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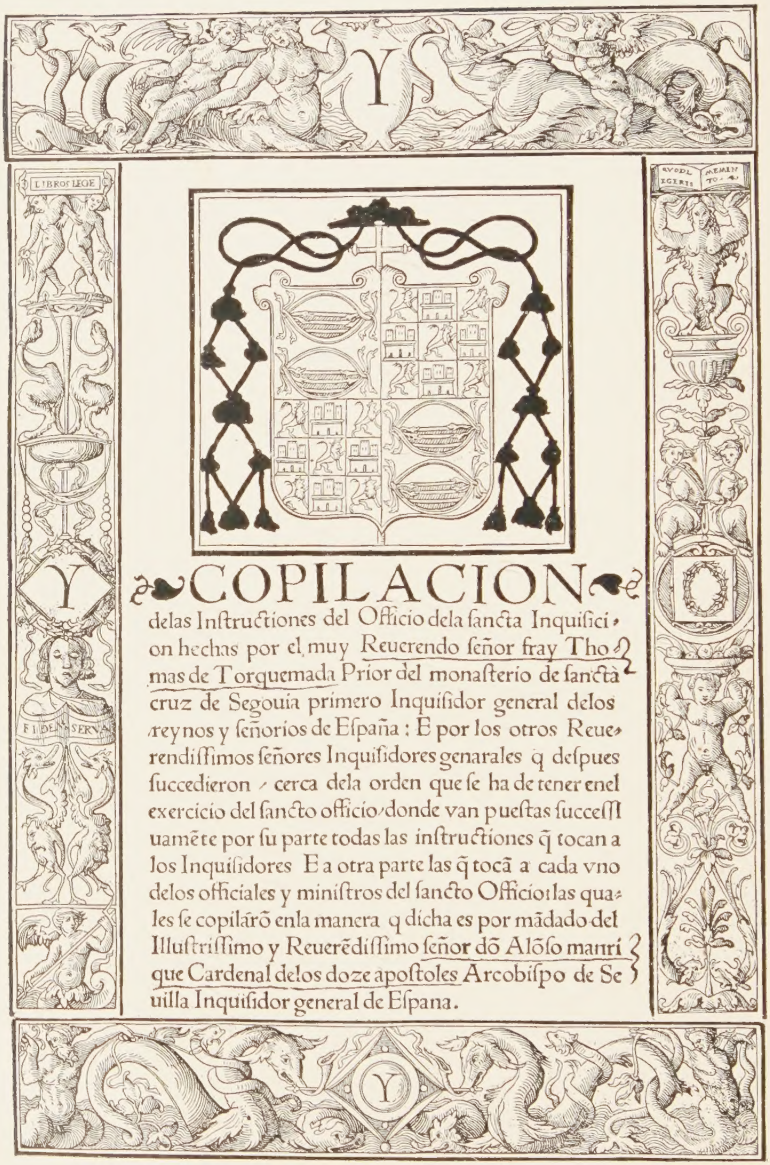

COPILACION

delas Inſtructiones del Officio dela ſancta Inquiſici-
on hechas por el muy Reuerendo ſeñor fray Tho-
mas de Torquemada Prior del monaſterio de ſancta
cruz de Segouia primero Inquiſidor general delos
reynos y ſeñorios de Eſpaña : E por los otros Reue-
rendiſſimos ſeñores Inquiſidores genarales q̃ deſpues
ſuccedieron : cerca dela orden que ſe ha de tener enel
exercicio del ſancto officio : donde van puestas ſucceſſ
uamẽte por ſu parte todas las inſtructiones q̃ tocan a
los Inquiſidores E a otra parte las q̃ tocã a cada vno
delos officiales y miniſtros del ſancto Officio : las qua-
les ſe copilarõ enla manera q̃ dicha es por mãdado del
Illuſtriſſimo y Reuerẽdiſſimo ſeñor dõ Alõſo manri-
que Cardenal delos doze apoſtoles Arcobiſpo de Se-
uilla Inquiſidor general de Eſpana.

[See "The Inquisition in Peru," by Elkan Nathan Adler, p. 7, *infra*.]

PUBLICATIONS

OF THE

AMERICAN

JEWISH HISTORICAL SOCIETY

NUMBER 12

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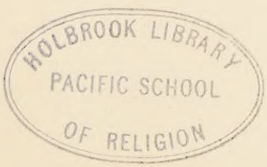
1904



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BALTIMORE, MD., U. S. A.

AMERICAN JEWISH HISTORICAL SOCIETY.

LIST OF OFFICERS.

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REV. DR. B. FELSENTHAL,
PROF. CHARLES GROSS,
PROF. RICHARD J. H. GOTTHEIL.

Corresponding Secretary:

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Recording Secretary:

DR. HERBERT FRIEDENWALD.

Treasurer:

HON. N. TAYLOR PHILLIPS.

Curator:

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REV. HENRY COHEN,
PROF. MORRIS LOEB,
MYER S. ISAACS (deceased),
HON. OSCAR S. STRAUS, ex-officio,
as Past President of the Society.

OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of America. It is known that Jews in Spain and Portugal lent no inconsiderable aid to the voyages that led to the discovery of America, that a few accompanied the earliest discoverers, and that Jews were among the first settlers on this continent, and in its adjacent islands. Considerable numbers saw service in the Colonial and Revolutionary wars, some of them with great distinction. Others contributed liberally to the Continental treasury, at critical periods, to aid in the establishment of Independence. Since the foundation of our government, Jews have played an active part in the political affairs of the country, and have been called upon to hold important public positions. The records of the achievements of these men will, when gathered together, prove of value and interest to the historian, and perchance cast light upon some obscure parts of the history of our country.

THE TWELFTH ANNUAL MEETING.

The twelfth annual meeting of the Society took place in New York City, March 20-21, 1904. The first session was held Sunday evening, the 20th, in the Vestry Room of the Spanish and Portuguese Synagogue. President Dr. Cyrus Adler was in the chair and delivered the presidential address opening the meeting.

The Treasurer, Richard J. H. Gottheil, presented the following report:

Richard J. H. Gottheil, in account with the American Jewish Historical Society, October 1, 1903.

Dr.		
Balance, October 1, 1902	$1120.36	
Dues and back dues of members	820.00	
G. E. Stechert, sales of Publications	1.35	
Sales, Amer. Jew. Pub. Soc.	12.50	
Interest, Dec. 31, 1902	6.24	
Interest, June 26, 1903	7.52	
Total Receipts		$1968.07
Total Expenditures		841.57
Balance		$1126.50
Cr.		
Check returned, drawer deceased	$ 5.00	
G. E. Stechert, repaid bill paid for N. Y. State Library	1.35	
Expenses of Annual Meeting, 1903	117.00	
Expenses of Treasurer's Office	31.00	
Expenses of Secretary's Office	30.85	
Printing and Expressage, Publications No. 10	596.96	
Index, Publications Number 10	25.00	
Stationery	3.50	
Leon Hühner, Curator	18.81	
Lemcke & Buechner	11.40	
Exchange, K. T. Co.	.70	
Total	$841.57	

STATEMENT OF THE ASSETS OF THE SOCIETY.

Balance K. T. Co.	$1063.48	
Cash in hands of Treasurer	63.02	
		$1126.50
Balance in Nat. Saving Bank of Albany, October 1, 1902	$2322.86	
Balance in Nat. Savings Bank of Albany, October 1, 1903		2404.86
		$3531.36

The Treasurer further reported that the Society collected $1500 insurance money, because of the destruction by fire of its "Publications" in Baltimore.

Corresponding Secretary, Mr. Max J. Kohler, reported that the Society had on its rolls 237 members, 7 honorary, 26 corresponding, 3 life and 201 regular members. It lost 11 members during the year by death, resignation and non-payment of dues. There were elected during the same period, 7 regular members and 1 corresponding member.

Professor J. H. Hollander, Chairman of the Publication Committee, reported that No. 11 of the "Publications" had just been issued and distributed; its appearance having been delayed by the fire aforementioned.

Mr. Leon Hühner, Curator, reported that arrangements had been completed with the Jewish Theological Seminary of America for storing the Society's "Collections" in the fire-proof building of the institution, a separate room having been set aside for the use of the Society. A resolution was adopted directing the issuance of a circular to members and other friends of the Society, calling their attention to the fact that the Society was able to house properly such books, manuscripts, prints, medals and other objects of historic interest, as persons interested might desire to entrust to it. The circular was also to call attention to the Society's desire to secure back volumes of its "Publications," by gift or otherwise, to replace the stock lost by fire.

On recommendation of the Council, the following resolution was adopted:

"That the American Jewish Historical Society views with favor proposals concerning the collection of statistical information concerning the Jews of America, and authorizes the appointment of a committee to co-operate with other societies having a like purpose."

The President appointed to constitute such a committee, Professor J. H. Hollander, Chairman; Joseph Jacobs, Esq., and Professor Morris Loeb.

A resolution was also adopted providing for the appointment of a committee of five, with power to add to their number, to take up the subject of indexing American Jewish Periodicals. The President appointed to constitute such committee, Max J. Kohler, Esq., Chairman; A. S. Freidus, Esq., George A. Kohut, Esq., Miss S. X. Schottenfels and A. M. Friedenberg, Esq. The committee subsequently added to their number Mr. Joseph Jacobs, Miss Henrietta Szold and Mr. Julian Isaacs.

An invitation to hold the next Annual Meeting in Cincinnati, Ohio, from the Honorable Julius Fleishman, Mayor of Cincinnati, was read and referred to the Executive Council for action.

The following were elected as officers for the ensuing year: President, Dr. Cyrus Adler; Vice-Presidents, Honorable Simon W. Rosendale, Rev. Dr. Felsenthal, Professor Charles Gross, Professor Richard J. H. Gottheil; Corresponding Secretary, Max J. Kohler, Esq., 119 Nassau Street, New York City; Recording Secretary, Dr. Herbert Friedenwald; Treasurer, Honorable N. Taylor Phillips; Curator, Leon Hühner, Esq.; additional members of the Executive Council, Honorable Mayer Sulzberger, Professor Morris Jastrow, Jr., Honorable Simon Wolf, Professor J. H. Hollander, John Samuel, Esq., the Rev. Dr. David Phillipson, the Rev. Henry Cohen, Professor Morris Loeb and the Honorable Myer S. Isaacs.

Necrologies of deceased members were read and submitted

as follows: of the Honorable Andrew H. Green, by the Honorable N. Taylor Phillips; of the Reverend Dr. M. Jastrow, by Miss Henrietta Szold; and of Horace A. Nathans, by David Sulzberger, Esq.

The following papers were read:

Wm. B. Hackenberg, Esq., Philadelphia. *Outline of a Plan to Gather Statistics Concerning the Jews of the United States.*

Rev. Alfred G. Moses, Mobile, Ala. *The History of the Jews of Mobile.*

I. S. Isaacs, Esq., New York. *Edward Wolf, Musician and Author.*

Leon Hühner, Esq., New York. *Isaac de Pinto.*

Honorable Myer S. Isaacs, New York. *A Jewish Army Chaplain.*

I. D. Eisenstein, Esq., New York. *Russian Jewish Immigrants in American Commerce and Industry.*

Albert M. Friedenberg, Esq., New York. *Calander of American Jewish Leading Cases.*

Rev. George A. Kohut, New York. *Some Unknown American Jewish Authors* (mostly from manuscript sources).

Max J. Kohler, Esq., New York. *Judah P. Benjamin, American Jewry's Most Distinguished Statesman, Orator and Lawyer.*

Dr. Herbert Friedenwald, Philadelphia. *The Banishment of the Jews from the Island of St. Eustatius (W. I.) in 1781.*

Leon Hühner, Esq., New York. *Naturalization of Jews in New York under the Act of 1740.*

Dr. Cyrus Adler, Washington, D. C. *Further Documents Concerning the Mexican Inquisition.*

Also the following which were read by title:

Albert M. Friedenberg, Esq., New York. *The Jews of Pernambuco.*

Leon Hühner, Esq., New York. *The Struggle for Religious Liberty in North Carolina with Special Reference to the Jews.*

Max J. Kohler, Esq., New York. *Phases in the History of Religious Liberty in America with Particular Reference to the Jews.*

Rev. George A. Kohut, New York. *Two Autograph Letters; (a) A Letter from the Rev. Gershom Mendes Seixas to his Brother, 1790; (b) A Circular Appeal from S. H. Jackson, Editor of The Jew, dated 1823, on behalf of his Periodical: Unpublished Letters which passed between Ezra Stiles and Rabbi Carregal.*

Joseph Lebowich, Esq., Cambridge, Mass. *The Jews of Boston till 1875; Leopold Morse.*

Mrs. Helen Wise Molony, Cincinnati. *A Simile—A Poem Contributed by Henry Wadsworth Longfellow to the American Israelite, April 26, 1861.*

Henry Necarsulmer, Esq., New York. *Disfranchisement of the Jews in New York in 1738.*

Sol. M. Strook, Esq., New York. *American Jews in China and Japan.*

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ADDRESS OF THE PRESIDENT,

Dr. Cyrus Adler.

To the Members and Friends of the American Jewish Historical Society:

Ladies and Gentlemen:—I am glad to be able to welcome so large a number of you to the Twelfth Annual Meeting of the Society. It is especially fitting that this meeting should be held on the premises of the Shearith Israel Congregation of New York, the oldest Jewish congregation in North America. It is not my purpose to make an address to you, and indeed none such is provided for in the programme. The large number of interesting titles set down there make it necessary that all of our time should be devoted to the hearing and to the discussion of the papers announced, and I do not propose to infringe upon the regular order of the meeting.

I cannot avoid referring to the occurrence which occasioned the postponement of our meeting, which, as you all know, had been by the kind invitation of our Baltimore members set in that city on February 11th and 12th. The great disaster which overtook Baltimore on Sunday, February 7th, in the form of a fire, almost unparalleled in its dimensions in modern times, rendered it impossible to hold the meeting there at that time, and as soon as the necessary arrangements could be made, this city and this date were fixed upon. I am sure that you will all join me, and indeed the whole civilized world, in expressing to our friends in Baltimore our sincere sympathy in their loss and our admiration at the remarkable calmness and energy which they have exhibited in the presence of this great calamity.

The Society had another loss this year of very considerable severity, which was occasioned by an earlier fire in the city of Baltimore. The printing establishment at which our pub-

lications have been printed since the organization of the Society suffered a serious fire which resulted in the destruction of all of the stock of the publications of the Society as well as the entire edition of Number 11, which would otherwise have been in your hands long before this. The material loss to the Society was considerable, since the stock of publications was insured to about half its estimated value, and it is not likely that the Society will see its way clear to the reprinting of these volumes. Under the circumstances, any copy of the past publications of the Society, which any institution or member can spare, will be most useful as a reserve stock and will be gratefully received. Fortunately an almost complete duplicate of the proofs of Volume Eleven was in existence and where there was none such, authors have been able to furnish a second copy of their articles, so that Number Eleven is being issued as originally designed.

I have much pleasure in informing the Society that the long-discussed arrangement for permanent quarters and place of deposit for manuscripts, books and other articles of historical interest has been secured at the building of the Jewish Theological Seminary of America. The Curator, Mr. Leon Hühner, is engaged in putting this collection in order, and I trust that at some early date it will be possible for the Society to arrange small special exhibitions of historical material from time to time.

Within the past year the fact has been especially borne in on my mind that whilst we should not swerve in our purpose to collect historical materials, these do not consist simply in old documents, but also in the records of current events. Consequent upon the terrible massacre at Kishineff the citizens of the United States, irrespective of faith or nationality, engaged in a most remarkable series of public demonstrations, which can soberly be claimed to be a part of the making of Jewish history. The record of these demonstrations has been collected and published by organizations other than our own, and

it is probably well that it should be so. But it is also important that this Society should bear its part in the work of keeping track of current publications and events, whether recorded in books or magazine articles, in newspapers or at meetings, whether in the form of debates before Congress or action taken by our Government which would go towards supplying material for the future historian of Jews in America. This subject has engaged the earnest though informal attention of a number of the members of the Society during the past six months. It is not an idea new to this Society, and was indeed proposed by a member, if I recall rightly, at one of our first meetings. The Society did not at the time have the means to carry out this plan, and I do not think it yet possesses them, since such a programme involves a large amount of detailed work, which we can hardly expect will be performed voluntarily by members of the Society. I have good reason to hope, however, that by co-operation with one or two existing institutions and through the generosity of individual members of the Society, it will be possible to begin this work during the coming year.

There is another project which has long been discussed in the Society without resulting in definite action, which, in my opinion, should now be taken up, and for this, at least, we have, I believe, sufficient funds, due to prudence of your governing body and to the fact that up to this point all the work has been volunteer work. I allude to the plan of indexing some of the more important American Jewish periodicals. It would be possible to index one of the earliest like the Occident and one or two that were in existence at the time the Occident was discontinued, and in this way have a complete index of American Jewish affairs from 1843 to the present time.

With these few words, and again bidding you welcome, I now declare the Twelfth Meeting of the American Jewish Historical Society open.

THE INQUISITION IN PERU.

By Elkan Nathan Adler, *London.*

Peru was discovered and conquered by Francisco Pizarro in 1524, and Los Reyes, afterward known as Lima, founded in 1532. Barely a generation later, the Inquisition was in full activity in the new colony. On January 9, 1570, the "Licenciado," Serván de Cerezuela, reached Lima, carrying with him the royal grant ("real cedula") under which Philip II established, in the provinces of South America, the Holy Office of the Inquisition. The document is dated the 7th day of February, 1569, signed "Yo El Rey" and countersigned by Gerónimo de Zurita. The original is now in the Biblioteca Nacional of Santiago de Chile. It is reproduced in extenso by Palma, Medina and other American historians of the Inquisition. The preamble states that "Whereas the Very Reverend Father in Christ, Cardinal of Sigüenza, President of Our Council, Inquisitor General Apostolic in our Dominions and Seignories, with the advice of Our Council of the General Inquisition, and after consultation with Ourselves, deems it to be highly necessary and convenient for the augmentation and conservation of our sacred Catholic Faith and Christian Religion to establish and place the Holy Office of the Inquisition in the said provinces, Now We ordain and provide accordingly:" etc. Twelve Familiars were to be appointed in Los Reyes, the capital, and one in each of the Archbishoprics, Bishoprics, cities, towns and "Lugares de españoles" of the District of such Inquisition, and they are to proceed in all cases in conformity with what the said Inquisitor General in council has "ordenado por sus instrucciones" (ordered in his Instructions).

These Instructions have been hitherto unknown to history,

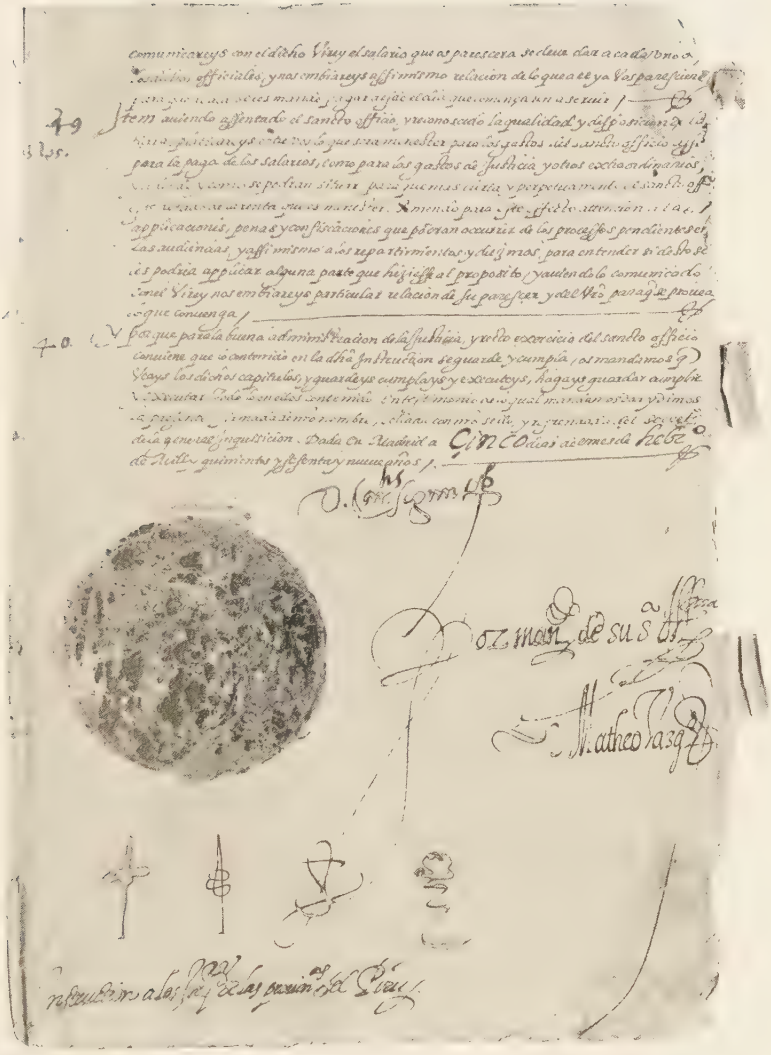
though Medina, quoting from the archives of Simancas,[1] cites various letters of the end of January and beginning of February, 1569, leading up to them. It was the writer's good fortune, while passing through Peru in October, 1902, to acquire the original documents constituting such Instructions and signed and sealed by Don Diego de Spinosa, the Inquisitor General. They had evidently formed part of the Archives of the Inquisition in Lima, located in what is now the Senate House of that city. The Peruvian Inquisition was abolished in 1812 and Jose de San Martin proclaimed the independence of Peru in 1821. Subsequently most of the archives found their way to the National Library, over which Palma still so worthily presides. Many of the treasures of that library, however, were sacked during the Chilian occupation in 1881. Some found their way to Santiago, but others were to be picked up in the streets and second-hand booksellers and others have reaped the benefit. *Habent sua fata libelli* and those that seek may sometimes find.

The Instructions are in the form of a folio book made up of three documents, two printed and one written. On the cover is written in an archaic hand the following title:

Instruciones
que traxo el señor
Inquisidor
Cerezuela
de los Reynos de España, a estos del Piru donde fue Rece-
bido el sancto officio desta Inquissoñ en esta ciudad de
los Reyes a xxix dias del mes de Henero Año
dela encarnacion deñro Redemptor de.
MDLXX. 1-
1570 ãs

Instructions brought by Cerezuela, Inquisitor of the Kingdoms of Spain to those of Piru where the holy office of this Inquisition was received in this city of Los Reyes, on the 29th day of the month of January, of the year of the incarnation of our Redeemer, MDLXX, 1570.

[1] A small town, seven miles from Valladolid, with a *castillo*, where thirty-three million documents, relating to the Inquisition, are preserved in 80,000 "legajos" or bundles.



[Fac-simile of document of "The Inquisition in Peru."]

The first document consists of 62 printed pages, beginning with the title page, surmounted by a Cardinal's hat (colored in red) and the arms of the then Inquisitor General, Alonzo Manrique, and surrounded by an ornamental border. A facsimile of this title page is here reproduced. The title runs thus:

"Copilacion | de las Instructiones del Officio dela sancta Inquisici | on hechas por el muy Reverendo señor fray Tho | mas de Torquemada Prior del monasterio de sancta cruz de Segouia primero Inquisidor general delos reynos y señorios de España: E por los otros Reuerendissimos señores Inquisidores generales q despues | succedieron, cerca dela orden que se ha de tener en el | exercicio del sancto officio, donde van puestas successi | vaméte por su parte todas las instructiones q̃ tocan a | los Inquisidores. E a otra parte las q toca̅ a cada uno | de los officiales y ministros del sancto officio: las qua | les se copilaró en la manera q̃ dicha es por ma̅dado del | Illustrissimo y Reverẽdissimo señor dõ Alõso manri | que Cardenal de los doze Apostoles Arcobispo de Se | uilla Inquisidor general de España."

Then follow 61 pages of folio, of which the first is blank and the rest are printed. Manrique was Inquisitor General between 1523 and 1538. This "Copilacion," or summary, was printed at Granada on the 29th Sept., 1537, as appears from a Colophon to a similar document picked up in Madrid.

The second document consists of 81 further Instructions issued by "Don Fernando de Valdes por la diuina miserracion Arçobispo de Seuilla," etc., etc., the eighth Inquisitor General, dated Madrid, 2nd September, 1561, and printed on 16 folio pages.

The third and last document contains Spinosa's special Instructions and occupies nine folio pages of writing, the last page of which is reproduced here in facsimile, facing page 6. Following these are three blank pages (showing the impression of the great seal) and the cover. All twelve pages are on rather thin paper, each sheet of which contains

the water mark of the Inquisition—the cross with the sword and palm branch.

The "Copilacion" gives the official history of the Inquisition during the first generation of its establishment in Spain. It contains:

(a) Torquemada's Instructions made by him in council with the Inquisitors of Seville, Cordova, Ciudad Real and Jahen, on the 29th November, 1488. They consist of 28 Articles and are fully described by Llorente. The Copilacion adds that the instructions were signed by Anton Nuñez, cleric of the diocese of Badajoz, and Diego Lopez of Cortegana (*sic*) notaries apostolic and that the originals were in the Inquisition of Barcelona "where I, Lope diaz Secretario have seen them."

(b) Fifteen further Instructions promulgated by Torquemada and all the other Inquisitors of Castile and Arragon at Valladolid on the 27th October, 1488, followed by an order of Torquemada, dated at Seville the 9th January, 1485, leaving all matters not otherwise provided for to the discretion of the good consciences of Inquisitors.

(c) An order of the Father Inquisitors of Barcelona dated at Granada, September 4th, 1489, directing that in all proceedings touching the property of the condemned, the date of the condemnation should be given so as to facilitate reference.

(d) Sixteen Instructions—the last—made by Torquemada in 1498, at Avila.

(e) Instructions made by the 2nd Inquisitor General, Diego de Deça, at Seville, on the 17th June, 1500.

(f) The forms of Compurgation, Abjuration de Vehementi, and Absolution are next prescribed.

(g) Four paragraphs dealing with the duties of the "fiscal" one in 1500 by Deça. The last fixes 6 hours' work, three before dinner and three after, for all the secret officials every day in summer as in winter.

(h) Five paragraphs as to the Notaries, prescribed in 1485, 1488, 1498 and 1503.

(i) Two as to the Alguazil (constable), 1498.

(j) Two as to the Carceleros (jailors), 1498.

(k) Seventeen as to the Receptor (receiver of confiscated goods), 1479, 1485, 1488, 1498, 1499, 1503, 1504, and (by the third Inquisitor General, Cardinal Ximenes Cisneros, the Polyglót Ximenes) 1516.

(l) The "Escrivano del Secreto" (secretary), has the same rules as the Receptor.

(m) Sixteen as to the Inquisitors and officials generally. These rules were also prescribed at different intervals: 1484, 1485, 1488, 1498, 1502, and 1504.

(n) Three as to the "juez de bienes"—1479, 1485 and 1504.

(o) Five as to the "Contador y Receptor General" (Accountant and Receiver General), 1516.

(p) One as to the "Termino del Yuzgado"—(Procedure at the Court of Justice), in 1504, and finally the Text of a "Provisio" of Ferdinand and Isabella, dated at Cordova, March 21st, 1487, under which "reconciliados en tiempo de gracia" were to escape forfeiture of their goods.

It will have been observed that the latest of these rules were made in 1516 and were only rules of procedure. After that date, and in consequence of the hostile,[1] but politic attitude throughout the reign of Charles V, the Inquisition had fallen more or less into desuetude or at least disrepute. The ancient laws of the Holy Office required amendment, and Valdes, under the more bigoted rule of Philip II, deemed it advisable to reform and codify the whole of the laws of the Inquisition and ultimately, after many meetings of the Supreme Council, an edict of 81 articles was promulgated at Madrid on the 2d of September, 1561. This is the second of our documents. It is known to Llorente and other historians of the Inquisition. As a print was sent to America in 1569, our copy must have been printed between 1561 and that date. The third document, however, is apparently quite unknown, and as it constitutes an important element in the history of America, as well as of the church, a translation of the entire text may not be out of place. It runs thus:—

"We Diego de Spinosa, by the divine mery Cardinal of the Holy Church of Rome called St. Stephen in Coelio Monte, Bishop and Seigneur of our Cathedral of Siguença, President of His Majesty's Council, General Apostolic Inquisitor against Heresy, Immorality and Apostasy in his Dominions and Seignories, etc., Would have known to you the Reverend

[1] Vide *Jewish Quarterly Review*, Vol. XV, p. 415.

Inquisitors Apostolic against the said Heresy, Immorality and Apostasy in His Majesty's Dominions and Seignories of the Provinces of Piru, New Spain, and the new Kingdom of Granada and the other Provinces and Bishoprics of the Indies of the Ocean ('Mar Oceano'), how that having consulted with His Majesty, We have ordered the establishment and deputation of the Holy Office of the Inquisition against the said Heresy, Immorality and Apostasy and with regard to the knowledge of the matters appertaining to the said Holy Office, and which you, or some of you, have to know, in addition to that which has been ordained and ordered for the common law, and to the sacred canons, that you have to observe and fulfil the Instructions following:

1. First, that in order to establish and settle anew the said Holy Office in the said Provinces, you, the Inquisitors deputed in the Province of Piru, shall, as soon as you arrive in the city of Los Reyes, inform the Viceroy in order that he in conformity with the Cedula (Grant) which you bear from his Majesty may appoint you a fit house and location for the Audiencia and Prisons of the Holy Office in which there shall be an Audience Chamber with two apartments and a secret chamber wherein to place the writings and papers of the ———— and a room for you, the said Inquisitors, or at least for one of you and for the Alcayde and secret dungeons, detached so that the prisoners shall not be able to communicate with one another, and when this has been done and accorded, then on a day to be agreed with him, after having, in accordance with the Ancient Instruction of the Holy Office, ordered that all the people, as well ecclesiastical as secular, should assemble in the Cathedral church of the said city, you shall read and publish the powers you hold, and the said Viceroy and the Royal Audiencia and the Mayors and Justices of his Majesty, and the other ecclesiastic and lay persons who shall be there assembled, shall make the solemn oath which of right in conformity with the Instructions of the Holy Office of the Inquisition it is usual and customary to make, for the which you carry the Grant of his Majesty, to be employed after its notification to the Viceroy and Audiencia in particular, and after its being read in public and the solemn oath tendered which the said [Viceroy and Audi] encia and royal officials shall

make by touching the cross and the gospels and then those . . . . congregated shall be told to raise their right hands, as is usual in public acts of faith.

2. When this has been diligently performed the general Edict of Faith shall be read, in conformity with the copy thereof delivered to you with these instructions, but it is not necessary to publish for the present the Edict of Pardon.

3. *Item:* In order to commence proceedings in the causes cognizance whereof pertains to you, you have to arrange the following books:

A Register wherein to note by headings the titles and powers you hold from Us and all the Cedulas and Provisions of his Majesty, and the Acts performed on the day that you shall have been received into your offices, and the order of their publication and the oaths which you and future officials of the Inquisition have to make that you will exercise your offices well and faithfully, and thus consecutively there shall be continued and registered in the said book all the titles which We may impart to the officials of the said Inquisition for the time being and similarly all the Cedulas and Provisions of his Majesty which he may grant you and this book shall be called the first "Quaderno de Provisiones," and when it is finished the second shall follow, and so on—all subsequent ones bearing their numbers consecutively.

4. *Item:* You must have another book in which to register in their alphabetical order the Commissioners and Familiars in the district and the designation of their titles with the day, month and year, and the Inquisitors who appointed them, and in the beginning of this book the places in the district shall be set forth, placed according to the roads and order in which they could be visited, mentioning their heads of provinces, bishoprics and abbeys with such additions and alterations as may from time to time be required.

5. *Item:* Another book in which to register the testimonies brought against the prisoners, having in the beginning an Abecedario (Alphabetical List) in accordance with our style of the Holy Office so that from the said book when proceedings have to be taken against anybody, conformably to such testimonies, they may follow on in separate sheets and be delivered to the Fiscal that he may hold his enquiry ("instantia"), and you shall act as in justice bound, and this book shall be entitled First "Quaderno de los Testificaciones," and so on consecutively, when finished, with the second, third, etc.

6. *Item:* Another book in which to enter the sentences of prison and tortures and final decrees and other acts which may be decreed by the Inquisitors and Councillors with place, day, month and year, and where at the end of the sentences they shall affix their signatures or at least their seals.

7. *Item:* A bundle ("legajo") wherein to place, what We and the Council of the General Inquisition may write to you.

8. *Item:* Another book wherein to register the letters which you may write as well to Ourselves as to the Council.

9. *Item:* Another book wherein to register the visits to the prisoners in the dungeons in accordance with the Instruction that you should do so every 15 days, and that each of the said visits should be so made.

10. *Item:* Another book wherein to enter the payments which you have to make so that the Receiver may pay the maravedis necessary for matters touching the Holy Office, wherein the said payments must stand registered before they are delivered to the Receptor, and that this be so, much attention must be shown to the control over this in the Holy Office.

11. *Item:* Another book in which to enter the penalties and pecuniary penances which you may impose, of which an account must be taken for the Receiver giving him particulars thereof as soon as they have been so entered as above.

12. *Item:* Another book in which to register the "Auctos de la fee" which you may hold, in which must be entered in particular the persons who are produced thereat, with a clear account of their crimes, for the which they have been imprisoned, and the pains and penalties to which they have been condemned, and those whom you shall punish outside the Auto, you will register in a separate volume.

13. *Item:* The Alcayde shall keep another book wherein there shall be entered by one of the secret notaries all the prisoners who enter the dungeons with day, month and year, and their linen, bedding and garments, all in detail, and therein shall be registered the day such prisoner leaves the dungeon, and whether he be "relaxed" (handled over to the secular arm for execution) or reconciled, the property which he brought with him to the dungeon, and which shall be taken charge of by the Receiver as per such book, and when the book is finished it shall be placed in the secret chamber and another provided, and such book shall be called the First "Quaderno de Alcayde," and so on for its followers consecutively.

14. *Item:* The "Despensero" or "Proveedor" (Steward or Purveyor) of the prisoners shall keep another book where the

secret notary shall, on the day the prisoner enters the dungeon, or at latest, on the following day, enter before the Inquisitors or one of them in the Audience Chamber, the name of each one of the prisoners in the secret dungeons, and the day on which they entered, and the money they brought for their maintenance, and the rations allowed them by the Inquisitors, and, if they be poor, he shall ask that the Treasury shall provide for their maintenance and give the rations of the poor man after fixing the quantity.

15. *Item:* You shall instruct the Notary of Sequestrations to keep his book wherein to enter the goods sequestrated from the offenders and the monies and apparel furnished for their maintenance and another book in which he shall with the Steward, at the end of each month, account to one of you the said Inquisitors, of what has been spent for the pauper prisoners so as to obtain a discharge for the same from the Receiver.

16. *Item:* The Judge of Confiscated Property shall keep a book wherein he shall enter his sentences either against or in favor of the Treasury, with the day, month and year, and the Notary of his court shall keep another such book so that when the Receiver requires he may see an account of all, and thus shall the charge and discharge be imposed.

17. *Item:* Order Our Receiver to keep his book in which he shall enter that which is under his charge of collecting and administering the confiscated property arising from sequestrations, pains and penalties and obligations and expenses which you may intrust to him. You must inform him that in order to enable him to receive and to pass into account what he expends he must have instructions bestowed by Ourselves or by the Council of the General Inquisition or by you the Inquisitors in matters dealt with in this Instruction.

18. *Item:* Another book in alphabetical order in which to enter the Relaxed and the Reconciled and the Penitenced which must correspond with the books of the Autos de Fé held, which are above ordered to be kept. In one part the Relaxed shall be placed, in another the Reconciled, and in another the Penitenced, so that in such books there will be three kinds of alphabetical lists so as to make it easy to know who have been relaxed, reconciled and penitenced.

19. *Item:* In the Secret Chamber where the proceedings and Registers of the Holy Office should be, there must be four apartments, one for the proceedings pending, one for those suspended, and another for those concluded, and in that of those concluded, the first place shall be for the Relaxed, then

for those Reconciled, and last for the Penitenced. And in the fourth apartment (Documents) concerning the Commissaries and Familiars and the Informations had as to the "Limpieça" (purity of blood), and qualities of the said Commissaries and Familiars, and it is the Fiscal's duty to keep the papers and books of the Secret very well placed, sewn, and bound, and superscribed and supplied with titles in such wise that they can be easily found.

20. When these books have been well ordered and all has been placed in good order you will, in your procedure and cognizance of the cases, observe the order and form laid down for the same in the Ancient and Modern Instructions of the Holy Office of the Inquisition[1] which you carry being very mindful of their observance. You should read the said Ancient and Modern Instructions twice in each year, at least once at the beginning of the year in the first days of January, so that they shall have been read by the first day of the Audiencia which takes place on the day following the *Fiesta de los Reyes* (about January), and the other time they should be read in the week preceding the Sunday of *Quasimodo* (the eighth Sunday after Easter), and all the officials shall be present thereat, and conformably with such Instructions each one shall read out those touching his own office so that he may know how to fulfil it.

21. As to the form of ordering the Proceedings, you will observe the order of proceeding given in the book printed by our order which is that which shall be kept in the Inquisitions of these Dominions.

22. And inasmuch as it is very convenient that the days of the Audiencia (Hearing) of the Inquisitors and officials shall be held in the morning in the Chamber of Audience where low mass shall be said so that each one can there arrange what he has to do in his office, we ordain that you, the said Inquisitors and officials, shall on all the said days betake yourselves to the mass which shall be held in the said Chamber before entering upon the Hearing, and you shall fine those who do not comply herewith as to you seems fit.

23. And inasmuch as you have to determine cases of heresy with the assistance of the Ordinary, if that same Prelate is not present at the determination of the said cases and sends another in his stead, you shall not admit him without previ-

[1] *I. e.*, Our first and second printed documents.

ously informing yourselves by documents of his purity of blood ("Limpieça"), in the best way that seems good to you, and the same shall you do as to the persons of the Counsellors whom you call in for the determination of the said cases who shall be the Judges of the Royal Audiencia for the which you hold the Royal Cedula of his Majesty.

24. In the said Ancient and Modern Instructions it is ordered that whenever, in the determination of the cases, you, the said Inquisitors and the Ordinary are not agreed, you should send the cases in which there be disagreement to the General Inquisition, to be there determined, and inasmuch as if this were observed in the Province of Peru there would result much damage to the prisoners through the resulting delay in the decision of the cases, We ordain that in the affairs in which it would appear that there should be question of torture or arbitrary punishment or reconciliation, and in all those cases in which there has not to be Relaxation to Justice and the Secular Arm, in the presence of you the said Inquisitors and the Ordinary in consultation on those matters, then two of yourselves if agreed, or the Ordinary and one of you if agreed, or the two Inquisitors, it shall be done in accordance with the vote of such two, without need of remitting it to the Council and if the votes are single then it shall be done in accordance with that vote which the Counsellors should deem the weightiest, with that of one of the Judges, without remitting the case to the Council. However, should the disagreement be as to whether the defendant should be relaxed or not, the said case shall be superseded and you shall send the prisoner to the Council of the General Inquisition.

25. *Item:* Inasmuch as in accordance with law whenever in any case or cause of which the Holy Office might take cognizance the ordinary punishment of reconciliation or relaxation is not imposed, the defendant may appeal against the extraordinary punishment, and the sentence of torture, and the appeal shall suspend the execution, now we ordain that when the defendant finds himself aggrieved by the extraordinary punishment or sentence of torture and appeals to Us, in such case you shall order him to lay his grievance before you, and after hearing the Fiscal whom you shall order to plead, you shall take the matter under revision with the Ordinary and Counsellors and that which shall be agreed in the said case you shall execute conformably with the preceding clause and, when the sentence has been so executed, the party who would

have come before us you shall send us his case for revision, in such manner as in justice seems fit.

26. *Item:* You shall take much care and attention to write at least twice in each year to Us and to the Council giving us a very particular account of the state of the cases which may have occurred in this Holy Office, as well of those decided as of those pending, sending an account of what you may extract at the Auto and of what has been determined outside of it, and of the pains and penalties you may have imposed, and the crimes for which they were punished, and whether they have been convicted of such crimes by evidence or by confession, everything very particularly, so that the state of the said matters may be understood, and the order in which you proceeded therein.

27. *Item:* On each occasion when you consult with Us and the Council as to any cases and causes in which you may have doubt and can be advised of what you have to do, you shall send your opinion and that of the Ordinary and of the Counsellors, when the matter is one to consult about with them, so that when all has been considered, it may be the better to advise you of what you have to do.

28. *Item:* Inasmuch as in accordance with law you have to take cognizance of heretical blasphemies, and of no others, you must take great care that, when the accused come before you voluntarily to confess the said blasphemies, you shall ask them if they have been denounced before the Secular Justices and when you have established the fact by their confessions or in some other way you shall proceed to inhibit the said Royal Justices from proceeding, and you shall similarly act in all other causes belonging to a mixed forum, such as bigamies or witchcrafts or incantations with an intermixture of sacred matters.

29. *Item:* When the Audiencia has been established and the matters of the Inquisition, one of you the said Inquisitors shall proceed to visit the part of the district which, after communication with both of you and then with the Viceroy, seems good to you and shall take power from the Ordinary if you so decide, and if not by testimony as you require, and in making the visitation you shall take care to publish the Edicts of Faith, and in cognizance of causes, the Instruction, and if there are any documents or certificates in the Secret Chamber touching the party concerning whom you are making the visitation, you shall take them with you, and one of the Nota-

ries of the Secret Chamber and a Familiar, and one of the Porters shall proceed with them on the said visitation, and you shall only determine in it light cases, but heavy ones you have to remit to the Tribunal to determine thereof with more consideration, and such visitation having so been made, when you write to Us and the Council you shall send us a Relation of what was done thereat.

30. *Item:* Inasmuch as the District is so great and all parts thereof cannot be visited by you, the said Inquisitors, it seems good that to these parts where you cannot conveniently visit, you should send to the Commissaries of the said parts the Edicts of Faith so that they may have them published in the churches of the part under their charge, and they shall receive the testifications of what pertains to the said edicts before notaries faithful and legal Old Christians, and they shall send the testifications when received, without proceeding to capture or any other step, before you in order that you may provide as to what should be of justice.

31. *Item:* Be very careful not to take cognizance or proceed in cases cognizance of which does not in conformity with the law of the Instructions of the Holy Office pertain to you.

32. *Item:* Inasmuch as by one of the said Instructions it is ordered that the Receiver of the Inquisition shall pay for you the expenses which are necessary for the costs of the Holy Office, look to it much that nothing is spent except what is very necessary, for, when the accounts are taken, whatever does not appear to have been well spent will have to be placed and entered against the account of your salaries, and thus, when you have a doubt whether any cost should be incurred extraordinary in quantity, you should consult Us and the Council in order to advise you as to what you are to do therein.

33. *Item:* You will look to it that you keep in all good correspondence and friendship with the Prelates of the District, giving them notice of your arrival and offering them on your part all good-will and begging them to name persons in the said city who can assist in matters touching them, as to Ordinaries, and advising them that those they nominate should have the quality of "limpieça" (pure lineage), and the rest necessary, and in the same way, you shall see that you keep all good correspondence with the Secular Judges.

34. *Item:* You will take note that by virtue of your powers you have not to proceed against the Indians of your said Dis-

trict, because, for the present, until you are otherwise ordered, it is our will that you should use them against the Old Christians and their descendants and the other persons against whom it is customary to proceed in these Dominions of Spain, and, in those cases of which you have cognizance, use all temperance and gentleness and much consideration, for thus it beseems to act, so that the Inquisition may be much esteemed and respected and that there be no occasions for its being reasonably held in odium.

35. *Item:* You will take great care to publish the censorship of the bibles and catalogue of the prohibited books which has been delivered to you and all those therein contained shall be collected. You shall provide that in the seaports the Commissaries shall take care to see and examine the books which enter the said Provinces so that none of those prohibited shall enter and you shall order the said Commissaries to use more than ordinary diligence as to what they do in this regard, for this matter is of such quality and substance that every care is necessary in its performance and execution, so that by that road no evil doctrine can enter these Dominions, and you shall proceed with rigour and chastisement against those who happen to be guilty herein.

36. *Item:* In creating Familiars of the Inquisition you have to observe the following form and order. It beseemeth to know that in the city of Los Reyes where the Inquisition has to reside there have to be 12 Familiars in number and in the chief cities of Bishoprics 4 Familiars and in the Spanish towns (Lugares) one in each, and those whom you nominate must, they and their wives, be Old Christians, pure of any kinship with New Christians, and they must not have been penitenced by the Holy Office of the Inquisition, but quiet, pacific, of good habits, and married, and must not have "resumido la corona" (given up the tonsure), and they must be inhabitants, and permanent, and holding continuous habitation in the towns for which they are appointed Familiars, of all whereof Information must appear in writing seen and approved by you, and then you shall give them the grant of "Familiatura" of the tenour of the copy which you receive with this Instruction, and they shall enjoy the privileges which Familiars of the Dominion of Castile enjoy, and you shall entirely observe the grant of Concordia of his Majesty and do all that in you lies to uphold all kind of Privilege against the Secular Judges in cases of the said Familiars, and should occasion arise of their being infringed

you shall communicate with the Viceroy so that he may give orders as necessary, and accomplish that which had been accorded.

37. *Item:* In the capital cities of the Bishoprics and in the seaports you shall take in each one of them an ecclesiastical Commissary of good life and habit and lettered, and you shall keep him and give him your commission in the tenor of the copy you hold with this Instruction. You shall advise the said Commissaries that they shall not intermeddle in the cognizance of any matter nor take any rivalry with the ecclesiastical or secular judges beyond only executing your mandates and commissions and receiving the Informations of the matters of faith which may arise, and remitting them to you so that you may see and provide as is of justice, and they may not take into custody or do any other judicial act without your particular commission, and before you appoint the said Commissaries you shall have information in writing of their purity of lineage, life and habit, and when this has been seen and approved you shall give them the commission, and in no other manner, and in the towns where the said Commissaries are one of the Familiars shall act as Notary, taking care that he is a legal and expert person, and one to whom the affairs of the Holy Office of the Inquisition and its Secret can be entrusted.

38. *Item:* You shall inform yourselves as to the persons in your district most convenient for the offices of the Holy Office for which we have not provided for the present which are the Alguazil, Accountant, Receiver, Notary of the Secrets, and Judge of Confiscated Goods, Advocate of the Treasury, Advocate of the Prisoners, Alcayde of the Dungeons, Dispensary of the Prisoners, Messenger, Porter, Doctor, Surgeon and Barber. And you shall for the nonce confer with the Viceroy as to them, so that you may be the better advised, and there may be no mistake in the nomination, and you will then take those of them that seem to you most convenient and proper to serve in the said offices *having first taken information about them in writing as to their purity of lineage and customs, and sending to us a relation of those whom you have thus nominated, of what place they are natives, and their ancestors, and their qualities, so that we may send the Titles to them or to those who to us seem fit, and in the meantime* those nominated by you shall act and informing us another when you arrange with the said Viceroy the salary which it seems to you should be given to each of the said

officials and you will in the same way send us a relation of that which seems good to him and you, so that orders may come from here for payment from the day when they commence to act.

39. *Item:* When the Holy Office has been established and the quality and disposition of the ground reconnoitred, you shall settle amongst yourselves what is necessary for the expenses of the Holy Office, as well for payment of the salaries as for the expenses of the court and other extraordinary ones, and where and how they can arise, so that the Holy Office may be the more secure and continuous, once endowed with the revenue required. You will with this object pay due regard to the applications, penalties and confiscations which can arise from the cases pending in the Audiencias, and similarly to the assessments and tithes so that you can apply part thereof to the upkeep of the premises, and, when you have communicated it to the Viceroy, you will send us a detailed relation of your opinion and the Viceroy's so that it may be provided as is becoming.

40. And inasmuch as for the good administration of justice and lawful exercise of the Holy Office, it is right that what is contained in the said Instruction shall be followed and complied with, we order you to see to the said Chapters and keep, observe and execute all therein contained, in witness whereof we order these presents to be delivered and do deliver the same, signing them with Our name, sealed with Our seal, and legalised by the Secretary of the General Inquisition.

Dated in Madrid, the 5th day of February, 1569.

[1] D. Carlis Seguntae, †

[L. S.] Dozman de su sa, † ....

Matheo Vasg.

Instruction to the Inquisitors of the Province of Peru.

Thus far the Instructions, but bound up with them are printed documents of considerable importance dealing with the Inquisition as it affected America.

One of these consists of a printed form containing the General Edicts to be read on the third Sunday of Lent and fourth Sunday of Anatema in every third year in the Cathedral of Lima and all the towns of the district. What this

[1] *I. e.*, Diego Cardinal (Bishop of) Siguença.

district comprises is shown by the Preamble, which runs thus:

"We, the Inquisitors against Heresy, Immorality and Apostasy in this city and Archbishopric of Los Reyes (Lima) with the Archbishopric of Los Charcas and Bishoprics of Quito, Cuzco, Rio de la Plata, Paraguay, Tucuman, Santiago and Concepcion of the Dominions of Chile, la Paz (Bolivia), Santa Cruz de la Sierra, Guamanga, Arequipa and Truxillo and in all the Dominions, Estates and Seignories of the Provinces of Peru, and its Viceroyalty Government and District of the Royal Audiencias thereto appertaining."

It was printed at Lima shortly after 1641 and is thus one of the earliest things printed in Peru.[1] The subject-matter, though hardly fresh, is in its way interesting. It is a printed form addressed to all the inhabitants of the district and recites that the Fiscal, whose name is left blank, had appeared before the Inquisitors and complained that for some time there had been neither inquisition nor general visitation in the district, whereby great prejudice and damage had been caused to "our holy Catholic faith," and accordingly the Edicts are published so as to enable report to be made to the Inquisitors in case anybody "suspects, hears, sees, or is told that any person or persons, living present or absent or defunct, have acted, spoken or believed any heretical, suspicious, erroneous, bold, evil sounding, scandalous or heretically blasphemous opinions or words." Then the Heretics are dealt with in detail—Jews, Mohammedans, Lutherans and "Alumbrados" and next decries heresies and offenses such as bigamy and divination. Then "genealogies" are referred to. Information has to be given if there are any persons who are notoriously "descendentes de generacion de Judios . . . " sons, grandsons and descendants of persons

[1] The first book printed in Peru was a Spanish Indian Confessional and Catechism of 1586. Bound up with this Form of Edicts is a similar Formula, printed in Mexico some years earlier.

condemned or reconciled by the Holy Office. Similarly as to books and engravings heretical or indecent, books of Martin Luther or other heretics, the Alcoran or other Mahometan books, "Biblias en romance" (Bibles in the vernacular), and others prohibited by the censorships and catalogues of the Holy Office, and so on.

From Torquemada's time downward there had been various tests laid down by the Church for discovering a Jew. The following variant supplies the test of an American Jew!

"It beseems Us to learn if you know or have heard tell that any person or persons have kept any Sabbaths so as to honor, keep and observe the law of Moses, by wearing thereon clean shirts or other better and festive garments and placing clean cloths on the tables, and clean sheets on the beds in honor of the said Sabbath, and not having any light thereon and observing them from the Friday evening. Or (that they) have purged or removed the fat from the meat before eating it, and kept it in water to remove the blood, and cut away the sinew from the feet of the sheep or cattle. Or have cut the throat of cattle or birds to eat after they are cut across ('a travesadas') by pronouncing some words over them, and first feeling the knife to see that it has no notches, and covering the blood with earth. Or have eaten meat during Lent or other days forbidden by the holy Mother Church, not of necessity but maintaining and believing that they might eat without sin. Or have fasted the great fast which they call Atonement, going on that day without shoes, and recited Jewish prayers and at night asked pardon one from the other, the fathers placing their hands on the heads of their sons, without making the sign of the cross upon them and saying nothing or else saying 'Be blessed by God and by me according to the law of Moses and its ceremonies.' Or have fasted the fast of Esther, or the fast of Rebecca[1] which they call the Destruction of the Sanctuary, or other[2] fasts of Jews

[1] *i. e.*, the sect of *Illuminati.*

[2] This passage is underlined in ink in the original.

during the week such as Mondays or Thursdays, not eating on those days till night when the stars appear and not eating meat on that night, and bathing one day before the said fasts, cutting their nails and hair, and keeping or burning them. Or saying Jewish prayers, lifting or bowing the head, turning their face to the wall, and before praying washing their hands with water or earth, robing themselves in garments of serge or 'estameña' (étamine) or linen with certain tassels or straps, 'correhuelas' suspended from the hair with certain knots. Or have celebrated the Feast of Unleavened Bread, beginning it by eating lettuce, parsley and other herbs on such days. Or have kept the Feast of Booths, by placing green boughs or cloths ('paramentos'), eating and taking collations, offering them one to the other. Or at the Feast of Candles, lighting one by one up to ten (!) and then turning them towards the door, reciting Jewish prayers on such days. Or if they bless the table according to Jewish custom or drink '*caser*' wine or make the 'Baraha'[1] taking the cup of wine in the hand, saying certain words over it and giving each a draught to drink. Or if they eat meat slaughtered by the hand of Jews, or if they eat at the table with them or of their victuals, or recite the Psalms of David without *Gloria Patri.* Or if they hope for the Messiah or say that the Messiah promised in the Law has not come and has still to come and that he may draw them forth from the captivity, in which they say they are, and may bring them to the Promised Land. Or if any woman keeps forty days after childbirth without entering the Synagogue, for the ceremony of the law of Moses, or if they circumcise their children when born or give them Jewish names and thereby address them. Or if they cause the Chrism to be rubbed out, or wash them after baptism where the oil and chrism had been placed. Or, on the seventh night after the child's birth, place it in a basin of water, throwing in gold, silver, pearls, corn, barley, and other things, washing the said child in the said

[1] In the Mexican form "Baraha" = ברכה blessing.

water, saying certain words. Or have '*hecho hadas*' to their sons. Or if some have been married after the Jewish manner. Or if they make Ruava,[2] which is when some person starts on a journey. Or if they draw Jewish calendars ('nominas'). Or if they pull off a corner of the dough when kneading and throw it into the fire by way of sacrifice. Or if, when any person is on the point of death, they turn him to the wall to die and wash him with warm water when dead, cutting the beard and below the arms and other parts of the body, shrouding the corpse with new linen drawers and shirt and cap folded at the top, placing at his head a cushion with new earth and in his mouth a coin or pearl or something else. Or sing funeral dirges over them or pour out the water from the pitchers or jars in the houses of the deceased or others of the quarter, as is the Jewish custom, eating on the ground, behind the doors, fish and olives and not meat, out of mourning for the deceased, and not going out of the house for a year, in observance of the said law. Or if they bury them in virgin soil or in a Jewish charnel house ('ossario'). Or if any have proceeded to become Jews, or if anyone have said that the law of Moses is as good as that of our Lord Jesus Christ."

Then follow various tests by which to distinguish one of the "Secta de Mahoma," and then those of the "Secta de Lutera," which run thus:

"Or if you know or have heard tell that any person or persons have said, held or believed that the false and damned sect of Martin Luther and his followers is good. Or have believed or approved one of his opinions saying that it is not necessary to make confession to the Priest, that it suffices to confess to God alone. And that the Pope and the priests have no power to absolve sins. And that the true body of our Lord JESUS Christ is not in the sacred host. And that

[2] In the Mexican form "Ruaya."

one should not pray to the Saints. And that one should not have Images in the churches. And that there is no Purgatory. And that there is no need to pray for the dead. And that Works are not necessary but Faith with Baptism suffice for one's Salvation. And that one can communicate and grant the Sacrament to each other with anything of the two substances Bread and Wine. And that the Pope has not power to grant either Indulgences, Pardons or Bulls. And that the Clergy, Friars and Nuns may marry. Or who should have said that there is no need to have Friars or Nuns or Monasteries, thus abrogating the ceremonies of Religion. Or who should have said that God has not ordained nor instituted the Religious Orders ('Religiones'). And that it is a better and more perfect state to be married than that of Religion or Clergy or Friars. And that there are no feasts except Sundays. And that it is not a sin to eat meat on Fridays and Lent and Vigils because there is no day prohibited for it. Or who have maintained or believed any other opinion or opinions of the said Martin Luther and his followers. Or who have gone outside these Dominions in order to become Lutherans."

The section dealing with "Alumbrados" calls for no comment except that the Peruvian Formula, unlike the Mexican, refers to a class of "Persons who have made themselves Saints, commonly called '*Atindidas*' (harebrained), who pretend to Ecstasies and Revelations."

"Diverse Heresies" are the same in both Mexican and Peruvian Formulas, but the former has more than a page of unsavory detail as to the offence of "Solicitantes en la Confession" (abuses of the Confessional), which the latter dismisses in five lines. The reason for this sobriety would seem to be that the Constitution of Pope Gregory XV, dated August, 1622, "Contra sollicitantes in Confessionibus" [of which a print (4 pp. fo.) accompanies our collection]

had been published in the interval between the dates when the two formulas were printed.[1]

The only other clause in the Mexican Formula except the concluding admonition which is common to both is that entitled "Libros," but it deals with considerably more than Books.

"Or if you know or have heard tell that any persons have held or hold any books of the sect and opinions of the said Martin Luther, or other heretics, or the Alcoran, or other books of the Sect of Mahomet, or Bible in the vernacular ('Romances'), or any others of those reprobated and prohibited by the censorships and catalogues of the Holy Office of the Inquisition. Or that any persons, not complying with their obligations, have omitted to say or inform what they know, or have heard others say or said or persuaded other persons not to inform. Or have suborned witnesses to give false evidence on that to which they have afterwards deposed in the Holy Office. Or that any persons have deposed falsely against others in order to do them ill and damage and to stain their honour. Or that they have concealed, received or favoured any heretics by concealing their persons or goods. Or that they have placed hindrance for them or for others to the free and lawful exercise of the Holy Office and its officials and ministers. Or that they have removed or caused any to remove Sanbenitos from where they were placed by the Holy Office. Or that those who have been reconciled and penalised by the Holy Office have not observed or completed the imprisonments or penalties imposed upon them. Or if they have omitted to wear in public the garment of reconciliation over their clothes. Or if any reconciled or penalised have said that what they confessed in the Holy Office, as well of themselves as of other persons, was not the

[1] The Mexican Formula is dated 5th Feb., 1626, but the date is inserted in MS. with the signatures and seal, and the body of the Formula was probably printed at least four years earlier.

truth and they had not so done or committed but that they had spoken through fear or other reasons. Or that they had revealed the Secret committed to them in the Holy Office. Or that any had said that those relaxed[1] were condemned without fault and died martyrs. Or that any who had been reconciled, or the children or grandchildren of those condemned for the crime or offence of heresy, had occupied, or are occupying, public offices and honourable, which are forbidden them by the common law and statutes and ordinances of these Dominions and the Instructions of the Holy Office. Or that they have made themselves Clerics. Or that they hold any dignity, ecclesiastical or secular, or the insignia thereof. Or that they had worn forbidden things, such as are arms, silk, gold, silver, coral, pearls, camlets and fine cloth or had ridden on horseback. Or that there are in the hands of any Scrivner or Notary or other person any cases, documents, denunciations, informations or proofs, touching the crimes referred to in these presents."

The Peruvian edicts go on to provide for the illicit possession of indecent crosses, images and pictures and cloths, silks, stuffs, towels, étuis, snuff boxes and knife handles with pictures of Christ, Mary and the Saints painted or engraved upon them. Next comes a long clause dealing with various clerical offences and especially abuses of the Confessional and referring to the Briefs and Bulls of Pius IV, Paul V and Gregory XV on the subject, and a still longer clause dealing with "Astrologia judiciaria," "Négromancia," "Geomancia," "Hidromancia," "Piromancia," "Onomancia," "Chiromancia" and other occult sciences. In the latter occurs a somewhat curious passage as to Indian herbs used by witches in the invocation of the Demon called "Angel of Light," viz.: "achuma," "chamico" and "coca."

Reference is then made to various papal decrees under which it is clearly provided that a confessor has no power

[1] *I. e.*, handed over to the secular arm for execution.

to grant absolution for heresy, with a full translation of Gregory XIII's Breve Apostolicum of 1566 into "nuestro vulgar Castellano" and a translation of Pius V's Constitution of 1569 against those who meddle with the jurisdiction of the Holy Office.

The final exordium is as follows:

"Finally we exhort and require the said Lord Viceroy and Lords Archbishops and Bishops, and Lords Presidents and Auditors of the said Royal Audiences, and you the said persons and each of you by virtue of holy obedience to guard and observe the said Constitution, and to cause it to be guarded and observed, and to denounce and cause to be denounced to us or our Commissaries him whom you find or have heard tell of in the matter and do not go or pass or consent to go or pass beyond the tenour and form thereof under the penalties contained in the said constitution.

Moreover by the tenour of these presents we warn, exhort and require, and in virtue of holy obedience and under penalty of major exhortation: "latae sententiae trina canonica monitione praemissa" we order all and every one of you that if you know or have done, seen or heard tell that any person has done, said, held or affirmed any of the things above stated or declared, or any thing else whatsoever against our holy Catholic Faith, and what our Holy Mother Church of Rome holds, preaches and teaches as well of the living, present or absent as of the deceased without communicating the same to any person for thus it beseems you to come and appear before us personally and say and show it or before our Commissaries of our said District within the first six days after these our Letters have been read and published, or after you have learnt of them or part of them in any manner with the knowledge that we give you that after the said term has passed and the above has not been complied with, in addition to your having incurred the said penalties and censures. We will proceed against those who are rebellious and disobedient as against persons who maliciously discover and hide again the said things and are ill disposed to the affairs of our holy Catholic Faith and the censures of the Church, and for as much as the absolution of the crime and delict of Heresy as has been above stated, is specially reserved unto us, we order and prohibit under the said penalty, all and sundry confessors, clerics or persons in

religion not to grant absolution to any person who shall be guilty in regard to the aforesaid or not have told or shown in the Holy Office what he knows or has heard tell about it, before sending them on to us, so that when the truth is known and ascertained, the evil ones may be punished and the good and faithful Christians recognized and honoured, and the holy Catholic Faith augmented and exalted: And so that the above mentioned may come to the notice of all and that no person may pretend ignorance it is published to-day. Dated at the City of Los Reyes (Lima).

The documents bound up with Cerezuela's Instructions of 1569 are as follows:

1. "Carta para los Comissarios del Santo Oficio dela Inquisicion del Reyno de Galiçia." 6 pp., 4to. Containing rules for the guidance of the Commissaries and dated Sanctiago, 1611.

2. "Instruccion que han de guardar los Comissarios del Santo Offiçio de la Inquisicion en las causas y negocios de Fé . . ." This contains 36 rules and forms for the Commissaries' guidance and appears to be also printed in Spain about the same time.

3. "Instrucion que an de guardar, etc." 29 pp., 4to. This is another edition of the 36 rules and forms. It is printed in a larger type, but less elegantly, and seems to have been printed in Mexico.

4. "Edictos Generales, etc." These are the general edicts of the Peruvian Inquisition above described at some length. 24 pp. folio.

5. The Mexican Variant of the general edicts above referred to. 10 pp. folio. This is not a form but an original document issued by the Inquisitors of "the city and Archbishopric of Mexico, the States and Provinces of New Spain, and the Islas Philippinas, with their districts and jurisdictions." It is dated Mexico, 5th February, 1626, and signed by Don Franco Bazan de Alborno, Juan de la Paraya and Clement (?), Carriel y Alderet and sealed with the seal of the Mexican Inquisition.

6. General edict as to Astrologia Judiciaria (6 pp. folio) issued by the Inquisitors of the City of Mexico, the States and Provinces of New Spain, Guatemala, Nicaragua, Yucatan, Verapaz., Honduras and Islas Philipinas." It is dated Mexico, 8th March, 1616, and signed by Dn-Igno. Gutt. Flores, Dn Don

Franco Bazan de Alborno and Juan de la Paraya and is sealed with the seal of the Mexican Inquisition.

7. "Carta" (1 p. fo.), dated Madrid, 30th August, 1622, issued by Andres Pacheco the Inquisitor General, and the Council to all the subordinate Inquisitions of his Spanish Majesty, forbidding any familiar, commissary or notary to make a public note in the lineage of anybody or to call them "Jews, Moors, converts or descendants of such."

8. Another "Carta" (1 p. fo.) of the same date and by the same forbidding imprisonment in the secret dungeons of the Inquisition except for "Causas de Fé."

9. A form (1 p. fo.) for the reception of the testimony in a Causa de Fé. This corresponds to the heading of a Deposition.

10. "Constitutio" of Gregory XV (2 pp. fo.) against "Sollicitantes" (vide supra), dated Rome, 30th August, 1622 and printed there 1622 in the Camera Apostolica.

11. A form of edict in blanks, partly filled up in manuscript, dated Santiago, 15— (2 pp. fo.), addressed by the Inquisitors of the Kingdom of Galicia, residing in Santiago, to Pedro Perez, Abbot of St. Mamet de Viana, Pedro Maldonado, Abbot of Viana and others.

12. Brief of Pope Paul V, given at Rome 29th July, 1611, and printed in Spanish at Santiago in 1614. A Spanish broadside detailing the Indulgences conceded to Inquisitors and officials of the Inquisition.

13. Brief of Pope Gregory XV given at Rome 24th May, 1622, and printed there, addressed to the Cardinals, Inquisitors General as to the doctrine of the Immaculate Conception and the Feast thereof—a Latin Broadside.

14. Edict General of the 12th February, 1644 (10 pp. fo.) enforcing the Brief of Pope Urban VIII, given at Rome on March 9th, 1641, as to various heresies and heretical, mostly Jansenite writings. The Latin Text is published by the Inquisitor General, Dn. Diego de Arce Reinoso, who ordains all Inquisitors to publish same and punish offenders within 30 days and to burn all the heretical "books, treatises, memorials, orations, pamphlets, conclusions and papers whether printed or in manuscript" referred to in the said Brief.

15. A treatise by Doctor Don Francisco Marin de Rodezno, Fiscal of the Supreme Council of the General Inquisin and that of Cuenca as to the "Articulo de la Declinatoria en la causa de Manutencion y amparo de possession de la côfadria

de San Pedro Martir de la dicha Inquisicion que esta pendiente en el Consejo," *i. e.*, as to the competency of the jurisdiction of the Inquisition in the case of the confraternity of St. Peter the Martyr, and arising out of the death of Ginés Erraez, a Familiar of the Holy Office as well as member of the Brotherhood, pending before the Council, in July, 1647. (26 pp. fo., an argument in 50 paragraphs.)

16. " Facultates " dated Rome, dated 27th August, 1648, given by Pope Innocent X to the Archbishop of Lima. These are 30 in number. No. 21 confers the right of " keeping and reading, but not handing over to others, books of heretics and infidels " (4 pp. folio).

The following is a list of the 34 Autos de Fé solemnized at Lima:—

Date.	Source.	No. of Revs.	No. of Jews.	Remarks.
15 Nov 1573	Medina I 50	6	..	
1 April 1578	Relacion del agravio & Medina I 112	21	..	Juan Bernal a Lutheran of Flanders and 2 Jews burnt.
29 October 1581	ib. I 57	..	..	
30 November 1587	Medina I 252	26	..	John Drake cousin of Sir Francis and Richard Ferroel Ingles sentenced one "Portuguez."
5 April 1592	ib. I 294	35	2	3 English "Pirates" burnt as Lutherans. The Jews were N Morin of France and F Diaz of Portugal.
17 December 1595	ib. I 304	36	10	13 English Pirates and 4 Jews burnt.
10 December 1600	ib. I 319	34	13	2 Jews burnt alive and one in effigy. All 13 are described as "casta de Judios."
13 March 1605	"Dios prodigioso en el Judio Mas Obstinado" Lima 1692	33	22	3 Jews burnt alive and 1 in effigy. One of the reconciled was Antonio Rodriguez Correa.
1 June 1608	Relacion del Accompañamiento Medina I 346	19	?	1 Jew burnt.
17 June 1612	Medina II 7	15	5	
21 Dec 1625	Relacion printed at Lima by Cer-onimo Contreras "Papeles Varios" xiv Palma 109	24	?	2 Jews burnt alive and one in effigy.
27 Feb 1631	Medina II 43	7	..	
11 August 1635	Palma p. 32	100+	..	Many Jews "muchos en acaudalados (opulent) commerciantes."
17 August 1635	Medina II 100	12	..	
23 Jan 1639	Semanario Erudito xxxi	80	56	Manuel Baptista Perez and 9 other Jews burnt and one in effigy. A "Tropel de Judaizantes" Among the punished was a Francisco Montesinos.
	"El Castigo de los Portugueses" by D. Fernando Montesinos	16	14	
17 Nov 1641	Palma p. 39	..	..	
23 Jan- 1664	Medina II 189	..	..	A Jew Manuel Enrique burnt alive.
16 Feb 1666	ib.	7	..	
28 June 1667	Medina II 190	3	..	Clerical offences. No Jews.
8 October 1667	Relacion Lima Cerezuela	..	..	No Jews but Lima "Enferma del Mal Frances" (= de Bandier).

THE AUTOS DE FÉ OF LIMA.—Continued.

Date.	Source.	No. of Revs.	No. of Jews.	Remarks.
16 March 1693	Relacion Odriozola 368	9	..	No Jews.
20 Dec 1694	Relacion Santiago	7	..	Angela Carranza for heresies and 6 bigamy cases pp 4to written by Dr de Peralta Barnuevo and printed at Lima in 1733.
28 November 1719	Medina II 273	..	..	11 victims.
21 December 1720	Medina II 267	..	..	
12 July 1733	Rel Santiago. A book of 12 victims	..	..	No Jews.
23 Dec 1736	Relacion Lima De la Torre	..	..	Maria Anna de Castro "judia judaizante" last victim burnt by the Peruvian Inquisition.
11 Nov 1737	Do and Relacion Odriozola 373	9	1	An auto particular. The Jew was Juan Antonio Pereira.
19 Oct 1749	do & Relacion Santiago	..	..	This Relacion, 56 pp 4to was printed in Lima in 1750. A slave Pantaleon and three others of Ica given 200 lashes for conspiring to falsely charge Juan de Loyola y Haro of being a Judio Judayzante and Loyola absolved. Seven other non Jews punished mostly for bigamy or trigamy.
6 April 1761	do & Relacion Santiago	6	..	This Relacion 12 pp 4to was printed in Lima in 1761. Fr Moyen of Paris and 4 others punished. No Jews. The book was also in the De Salva Library (vide catalogue).
1 September 1773	Medina II 375			
18 February 1800	Palma 43	2	..	The victims had celebrated mass without being priests Valencia 1872.
27 August 1803	ib.	2	..	Both witches.
10 Sept 1805	ib.	1	..	A "blasphemer."
17 July 1806	ib.	1	..	A "sortilege."

NOTE.—Of the Original *Relacions* only two, those of 1667 and 1736, bound in one volume, are now extant at the National Library of Lima, those of 1749 and 1761 bear its stamp but were taken away in 1881, probably with that of 1733 and are now incorporated in the National Library of Santiago. On the 28 Oct. 1746, the buildings of the Holy Office were greatly damaged by an earthquake.

AUTOS DE FÉ OF CARTAGENA DE LAS INDIAS.

Medina, the historian of the American Inquisition, has a volume of nearly 500 pages dealing with Cartagena. That city was founded in 1532 and was originally part of the Inquisition "District" of Peru. Cerezuela, when taking out his Instructions to Lima, left Spain on the 19th of March, 1569, touched the Island of Dominica on the 28th of April and reached Cartagena on the 8th of May, where he was detained by adverse winds for several days, which he devoted to organizing the Inquisition there. In 1600 the Peruvian Inquisitor writes to the Council of the Inquisition asking that at least two new Tribunals may be appointed to relieve his district. "We have," he says, "several times brought to your notice the vast extent of the District of this Inquisition, comprising 2000 leagues and more, and many Provinces very remote from each other, and even our lord the King has had to appoint for their government 5 Royal Audiences, one Viceroy and two Governors outside his jurisdiction, of whom one governs the New Kingdom of Granada and the other Terra Ferma. It comprises 2 archbishoprics and 12 bishoprics, all in the District of this Inquisition, and great as they are, each contains a district so large that it could not be visited without much labour, and all these Provinces are much populated and full of people and being held rich from all nations, and by their sea ports there enter a great quantity of foreigners and Portuguese and, in our belief, the foreigners are infected by the errors of their countries and the Portuguese, who are all Jews, and as the people are always increasing and those born here are easy people and prone to novelties, we have some suspicion that some evil doctrine may come and spread in these provinces which is to be feared through the liberty of the country" ("Por la libertad de la tierra!"). As a result the King by Royal Cedulas, dated the 25th Feb., 1610, appointed

a new Tribunal of the Inquisition for Cartagena, New Granada and Santo Domingo, as well as for Mexico. That of Cartagena was the last of the three American Tribunals and exercised jurisdiction over Cuba and other islands, Colombia, Venezuela, New Granada, San Domingo, etc. It was abolished by Bolivar in August, 1819, its last victim having been Don Rafael Barragán, punished in Sept., 1818. The first auto was in 1618 and the last in 1782. There were, says Medina,[1] during that time 12 general and 38 particular autos de fé, at which 767 "reos" were punished, of whom at least 5 were burnt. From the following list, however, culled from Medina's own book, it will be seen that he has underestimated the number, the total being at least 54:[2]

[1] Historia del Tribunal del Santo Officio de la Inquisicion de Cartagena de las Indias. Santiago, 1899.

[2] *Ibid.*, p. 37.

	Date.		Source.		No. of Revs.	No. of Jews.	Remarks.
1	2 Feb	1614	M. S. Adler		21		This is a manuscript "Relacion" comprising 14 pp.
2	July	1618	Medina p.	109	4	1	B. de Morales a Franciscan Friar, of Mexico, confessed to Judaism and condemned to death. His sentence was commuted, by the Council on appeal, to imprisonment for life.
3	13 March	1622	"	158	8		Adán Edón, of Bristol, a Lutheran, burnt.
4	17 June	1626	"	175	22	6	Gonzales "judaizante én cinco o seis sinagogas," (who acted the Jew in 5 or 6 Synagogues.)
5	6 August	1627	"	194	7	3	Mendez, Pardo, Rodriquez.
6	25 June	1628	"	195	12	2	One convicted of having kept "los Sábados" died before the auto.
7	7 March	1632	"		15	1	Antonio Juárez que se delato de ser judio, (who confessed to being a Jew.)
8	26 March	1634	"	214			
9	1 June	1636	"	216			
10	25 March	1638	"	230			
11	22 July	1642	"	245	7	2	The Jews were Antonio Montesnios and Felipe Alvarez "reclamado de Lima."
12	24 May	1648	"	267	4	2	
13	28 Nov	1649	"	269			
14	21 Dec	1650	"	270	5	1	The victims included John Drake a Lutheran and Domingo de Sosa, a Portuguese Jew.
15	25 April	1653	"	272	6	2	One Jew banished and the bones of the other (Prieto) burnt.
16	22 July	1653	"	274	6	2	
17	28 April	1654	"	274	1	--	
18	8 May	1655	"	292	1	--	Jamaica negress punished as a witch.
19	6 June	1655	"	292	1	1	Gaspar de los Reyes Portuguese Jew got 200 lashes.
20	1 Oct	1656	"	293	4	2	Silva Castillo and Duarte Váez.
21	16 Sep	1657	"	293			
22	May	1669	"	289			
23	2 March	1670	"	328			
24	24 August	1671	"	328			
25	4 Sep	1671	"	328			
26	4 Sep	1672	"	do			
27	17 Feb	1675	"	329			
28	4 April	1677	"	330			
29	23 Oct	1678	"	do			

	Date.		Source.		No. of Revs.	No. of Jews.	Remarks.
30	12 Nov	1679	Medina p.	330	9	—	Lutheran sailors—German, Dutch and one Danish.
31	21 Dec	1681	"	331	4	1	Fernando Ranniez de Arellano of Oran, a Franciscan Friar reconciled for being a "Judio Mahometano"! and condemned to imprisonment for life.
32	28 Oct	1682	"	332			
33	29 July	1683	"	333			
34	29 Aug	1683	"	308			
35	11 Feb	1685	"	333			
36	9 Sep	1685	"	do			
37	30 May	1688	"	335		1	Autogeneral "el teatro salio con tanta perfeccio y grandeza que los forasteros que habian Vistos otros in otras cuidades no la reconocian á ninguno."
38	11 Dec	1689	"	do	9	2	
39	29 April	1691	"	do			
40	March	1695	"	do			
41	27 April	1697	"	337			
42	29 April	1699	"	339			
43	10 Jan	1700	"	do			
44	20 June	1700	"	340			
45	24 Feb	1707	"	354			
46	18 March	1708	"	do			In 1710 Juan José Henriques punished for "saspechas de Judaismo."
47	21 May	1708	"	355			In 1712 a Jew Lopez and an English woman Isabel Isles were reconciled.
48	26 May	1711	"	do			
49	9 July	1713	"	356			
50	29 July	1714	"	ib.			
51	11 June	1715	"	ib.			Jose Diaz Pimienta: for his story see J. Q. R., XIV, 701, and Am. Jew. Hist. Soc. Trans IX (1901).
52	30 Nov	1715	"	ib.			
53	20 June	1717	"	ib.	1	1	
54	5 Feb	1782	"	362			Captain Henry McDonell punished for books and pictures.

THE JEWS OF SOUTH CAROLINA FROM THE EARLIEST SETTLEMENT TO THE END OF THE AMERICAN REVOLUTION.*

By Leon Hühner, A. M., LL. B., *New York City.*

The immense stretch of land known as South Carolina had been donated by the English Crown in 1663 to a number of noblemen, the ablest of whom was Lord Ashley Cooper afterward the famous Earl of Shaftesbury. These men were given absolutely sovereign powers. No authority was retained by the Crown but a barren allegiance. The country was at the time comparatively devoid of population and the first orders given by the proprietors to their agent, Sir William Berkeley were "to get settlers as cheaply as possible, yet at any rate to get settlers."[1]

It was doubtless with this in view, that the Lords proprietaries from the start made the most liberal provisions for religious liberty in their domain. On August 25, 1665, they issued "A Declaration and Proposealls to all y^{t} will plant in Carrolina." Article 5 of these proposals is as follows: "We will grante in as ample man^{r} as ye Undertakers shall desire freedomes and libertye of contience in all religious or spirrituall things and to be kept inviolably wth them, we haveing power in or Charter soe to doe."[2]

* This paper was read before the Society in 1899.

[1] George Bancroft, "History of the United States," N. Y., 1886, Vol. I, pp. 408-9.

[2] Vol. 2 of South Carolina Papers in Bancroft Collection of MSS. at the Lenox Library, New York [State Paper Off. No. Carolina B. J.] p. 1. The writer was permitted to peruse this valuable MSS. collection through the courtesy of Mr. Eames, the Librarian.

About 1665, Sir John Yeamans was appointed Governor. This gentleman had resided at Barbados for many years and in the autumn of 1665, he conducted a band of emigrants from there to the new plantation. Trade with Barbados began to flourish and by 1666, the plantation contained 800 souls.[3] In 1671, additional settlers were brought over by Yeamans and shortly afterward arrivals from Bermuda and the West Indies are mentioned.

It is more than likely that Governor Yeamans brought a number of Jews with him on both occasions, though historians have heretofore fixed the date of the arrival of Jews in Carolina between 1740 and 1750, i. e., almost a century later.[4] The trade advantages offered by the new plantation would in themselves have been a sufficient attraction, nor must it be forgotten that Barbados at this time contained a large number of Jewish merchants, a fact which is conclusively established.

Thus in 1660 at the Restoration of King Charles II., a movement was started in England to expel the Jews who had been admitted by Cromwell. Numerous pamphlets were circulated by the advocates of bigotry and one by Thomas Violet who had been a customs official under Charles I., is entitled "A Petition against the Jews presented to the King's Majestie and the Parliament." Among other reasons against allowing Jews in the realm, Violet gives the following: "That it would be to the great damage of our merchants whose trade they engross and eat the childrens' bread and *in the Barbados they do so swarm* that had no care been taken to banish them, in twenty years they would eat out the English, but by the care of this blessed Parliament, they are within a year to be banished thence." [5]

[3] Bancroft's "History of the United States," Vol. I, pp. 411-12.

[4] Charles P. Daly, "Settlement of the Jews in North America," N. Y., 1893, pp. 70, 75. Isaac Markens, "The Hebrews in America," New York, 1888, p. 53. Also, *Occident*, Vol. I, pp. 337, etc.

[5] This rare publication may be found at the Astor Library, New York.

The threatened expulsion, however, did not take place, for Oldmixon's History of Barbados published in 1708 mentions the Jews as a numerous class.[6] It appears therefore that they existed in considerable numbers, and the agitation above referred to may well have induced many of them to follow Yeamans to South Carolina, especially as they knew Yeamans, he having lived among them.

An important document in Carolina history also lends support to this theory. Shortly after the arrival of the settlers from Barbados, Shaftesbury in England applied to John Locke, the celebrated philosopher, to draw up a Constitution or plan of Government for the Province.[7] Locke's Constitution was drawn up accordingly and signed in 1669. The country was ridiculously divided up into signories, baronies and manors; high sounding titles were created and a complicated system of aristocratic government devised. The only features of the Constitution that interest us however, are the broad provisions for religious liberty therein contained.

In considering these, we must bear in mind that Locke may have been informed of the presence of Jews in the province or at least of the likelihood of their coming there from the West Indies, especially as the proprietors were anxious to procure settlers. He had also witnessed the agitation against the Jews in England. Be that as it may, Locke certainly anticipated that Jews would be among the earliest settlers and therefore especially provided for them in his system of Government.

Article 97 of his Constitution reads as follows: "But since the natives of that place who will be concerned in our plantation are utterly strangers to Christianity, whose idolatry, ignorance and mistake gives us no right to expel or use them ill and those who remove from other parts to plant there will unavoidably be of different opinion concerning matters of

[6] J. Oldmixon, "History of Barbados," 1708, p. 113.

[7] Bancroft's "History of the United States," Vol. I, pp. 415-16.

religion, the liberty of which they will expect to have allowed them—and also that *Jews, heathens and other dissenters* from the purity of Christian religion may not be feared and kept at a distance from it—therefore any seven or more persons agreeing in any religion shall constitute a Church or profession to which they shall give some name to distinguish it from others."[8]

Then follow provisions requiring all over seventeen to belong to some religion, and prohibitions against disturbing any kind of religious assembly or using reproachful or abusive language against any religion or molesting or persecuting another for his opinion in religion or his way of worship.[9] The liberality of these provisions must have afforded the Jews an additional inducement to settle in Carolina, and it is certain that they did settle there long before 1740.

In a curious little volume which the writer found at the Lenox Library entitled "A Peep into the Past by an Ancient Lady of Charleston," it is stated that the name of Mordecai Nathan is mentioned in an Assessment of the Inhabitants of Charleston as early as 1694.[10] This is within a generation after the settlement of the town.

In 1695 reference is made to a Jew at Charleston in the report of Governor Archdale. After reciting how in that year some Yammasee Indians met some Spanish Indians and captured them "designing to sell them for slaves to Barbadoes or Jamaica as was usual," he continues, "But I, understanding thereof sent for their King, and ordered him to bring these Indians with him to Charles-Town which accordingly he did. There were three men and one woman; they could

[8] "The First Set of the Fundamental Constitutions of South Carolina as compiled by Mr. John Locke," reprinted in B. R. Carroll's "Historical Collections of South Carolina," N. Y., 1836, Vol. II, pp. 385, etc. See also Bancroft's "History of the United States," Vol. I, p. 417.

[9] *Ibid.*, Articles CI to CVI.

[10] "A Peep into the Past by an Ancient Lady of Charleston," Charleston, 1853, p. 26.

speak Spanish and *I had a Jew for an interpreter,* so upon examination, I found they profess'd the Christian religion as the Papists do; upon which I thought in a most peculiar manner, they ought to be freed from slavery; and thereupon ordered the King to carry them to Augustine."[11]

In 1702-3, Jews appear in numbers. At that time it was charged that illegal practices had been resorted to at the election.

From Oldmixon's account of this event, it seems that in spite of Locke's Constitution, Jews were nevertheless considered ineligible to vote, for he quotes from a "Representation" that "Jews, strangers, sailors, servants, negroes and almost every Frenchman in Craven and Berkeley Counties came down to elect and their votes were taken, and the persons by them voted for were returned by the Sheriffs."[12]

In 1735 the advertisements of Carvallo and Gutterez appear in the *South Carolina Gazette.*[13]

In 1740-1 the Jewish population received a large accession from Georgia. The illiberal policy pursued in the latter Colony, induced all the original settlers with very few exceptions to remove to South Carolina.[14]

[11] John Archdale, "A New Description of that Fertile and Pleasant Province of Carolina with a Brief Account of its Discovery and Settlement," London, 1707. Reprinted in B. R. Carroll's "Historical Collections of South Carolina," N. Y., 1836, Vol. II, p. 106.

[12] J. Oldmixon, "The History of Carolina," London, 1708. Reprinted in B. R. Carroll's "Historical Collections of South Carolina," Vol. II, p. 429. See also McCrady, "South Carolina under the Proprietary Government," p. 391.

[13] *South Carolina Gazette,* No. 64, April 12-19.

I am indebted for this item to Mrs. Lee C. Harby, of Charleston, who kindly sent it to me some years ago, though after this paper had been read.

[14] See "The Jews of Georgia in Colonial Times," by the present writer (*American Jewish Historical Publications,* No. 10, p. 65, *et seq.*), where all the authorities on this subject are collected.

Joseph Tobias appears in 1741 as a Jew naturalized under the Act of 1740.[15]

In 1750, the first synagogue was established at Charleston. It was a small wooden building on Union Street,[16] Isaac Da Costa was Minister, Joseph Tobias, President and among the residents at the time were Moses Cohen, Abraham Da Costa, Meshod Tobias, Moses Pimenta, David de Olivera, Mordecai Sheftall, Michael Lazarus and Abraham Nunes Cardozo.[17] They also established a Hebrew Benevolent Society which still exists.[18] In 1757 the Congregation removed to King Street, and in 1764 to another portion of the same street. From 1765-90, Abraham Alexander was Minister and Israel Joseph, President. Michael Lazarus was Secretary between 1750-80.[19]

The most prominent Jew during the colonial period was unquestionably Moses Lindo who became interested in the indigo industry of the colony and came from London to South Carolina in November, 1756.[20] He at once announced his intention of purchasing indigo for the foreign market and his advertisements appear frequently in the *South Carolina Gazette* for 1756.[21]

Lindo soon became a prominent merchant, and was subse-

[15] Dr. J. H. Hollander, "Naturalization under the Act of 1740," *American Jewish Historical Society Publications*, No. 5, p. 116.

[16] Nathaniel Levin, "The Congregation Beth Elohim," Charleston Year Book, 1883. "The Centennial of Incorporation," Charleston Year Book, 1883, p. 388. J. L. E. W. Shecut, "Topographical, Historical and other Sketches of Charleston," Charleston, 1819, pp. 28-30. Isaac Markens, "The Hebrews in America," p. 53.

[17] Nathaniel Levin, "The Congregation Beth Elohim," Charleston Year Book, 1883, p. 301.

[18] *Ibid.*, p. 302.

[19] *Ibid.*

[20] Hon. N. Taylor Phillips, "History of David Mendez Machado," *American Jewish Historical Society Publications*, No. 2, p. 52.

[21] November 11, 18, 25, December 2, 9, 16, 1756. See p. 43, note 13.

quently appointed Surveyor and Inspector General of Indico, Drugs and Dyes for the Province.[22]

Jonas Phillips, subsequently the New York Revolutionary patriot, was brought over by Lindo in 1756 and for a time resided with him in Charleston.[23]

Lindo seems also to have been a man of scientific attainments and his experiments with American dyes commenced as early as 1757. In that connection he stood in correspondence with Emanuel Mendez da Costa, the Librarian of the Royal Society of London and one of the foremost naturalists of his day.[24]

During the entire colonial period, the Jews lived on terms of intimate friendship with their fellow citizens. William Gerard de Brahm writing to the King of England about 1772 mentions the Jews and their Synagogue with other denominations and concludes: "All which are composed of several nations, altho' differing in religious principels and in the knowledge of salvation, yet are far from being incouraged, or even inclining to that disorder which is so comon among

[22] Hon. N. Taylor Phillips in *American Jewish Historical Society Publications*, No. 2, p. 52. From an item in the *South Carolina Gazette*, March 15, 1773, it appears that Lindo had purchased a stone which he believed to be a topaz of immense size. This he sent to London by the Rt. Hon. Lord Charles Greville Montague to be presented to the Queen of England. See Note A, p. 43.

[23] Hon. N. Taylor Phillips in *American Jewish Historical Society Publications*, No. 2, p. 52. Lindo's certificate containing this information is dated July, 1773, and was accompanied by a letter from Joshua Hart, another Jew of Charleston. *Ibid.*, p. 55.

[24] *Philosophical Transactions of the Royal Society of London*, Vol. LIII, p. 238. Paper 37, "An account of a New Die from the Berries of a Weed in South Carolina." In a Letter from Mr. Moses Lindo, dated at Charleston, Sept. 2, 1763, to Mr. Emanuel Mendez da Costa, Librarian of the Royal Society. See also Dr. Moritz Kayserling: "Zur Geschichte der Judischen Aerzte," in *Frankl-Graetz Monatsschrift*, Leipzig, 1859, Vol. VIII, p. 165, to which Mr. George Kohut has also called attention.

men of contrary religious sentiments. . . . A society of men which in religion, government and negotiation avoids whatever can disturbe peace and quietness will always grow and prosper; so will this City and province whose inhabitants was from its beginning renowned for tenderness towards each other and more so towards foreigners without regard or respect of nation or religion." [25]

At the outbreak of the Revolution, South Carolina had a large proportion of Tories. In fact, it is stated that South Carolina did not lead but follow the American Revolution.[26] It is therefore significant that the great majority of the Jews of the Colony were on the patriot side.

On this subject it may be well to quote from the Sketch of Charleston, published by Dr. Shecut in 1819. "There can be no argument that goes more fully to illustrate the correct principles of our government than that of a reference to the Jews who have settled among us. . . . . The Jews were the only settlers among those of the inhabitants of the new world whose religious principles differed from those of the inhabitants of the new. To shew the salutary effects of tolerance in points of religious faith, I will insert the following appropriate observations for which I am indebted to a learned member of their society: . . . . . 'When the War of the Revolution commenced, all of this nation who were in South Carolina able to bear arms, zealously joined their country's martial ranks for the great but dubious contest. The prize to be acquired in the event of a successful issue, religious and political freedom, was great enough to induce the free offering of every patriotic exertion, and even of fortune and life in the undertaking. They, with the rest of their fellow citizens, shared in the privations and hardships of war, also

[25] "Documents connected with the History of South Carolina," edited by Weston, London, 1856, pp. 195-196.

[26] John Drayton, "Memoirs of the American Revolution," Charleston, 1821, Vol. 2, p. 89.

with them share the rich blessings of peace and freedom, the reward of their former sufferings." [27]

Some of the Jews naturally gave financial aid to the Colony, some supplied the patriots with provisions at a time when the credit of the Colonies was at its lowest. Without going into detail, we need but mention in this connection Mordecai Sheftall who sometimes appears to belong to South Carolina but whose career properly belongs to the Revolutionary history of Georgia, Meyer Moses [28] and Mordecai Myers. The latter figures in the correspondence of General Marion, of Col. Horry and other prominent leaders.[29]

In most of the other Colonies, we find that Jews rendered their most effectual service to the patriot cause as financiers. In the South, however, and particularly in South Carolina, we must look for their services chiefly on the field of battle.[30]

The most prominent Jewish patriot at the outbreak of the struggle was beyond a doubt Francis Salvador, concerning whose life and patriotic services a separate paper has been heretofore prepared by the present writer and published by this Society.[31]

The Jews along with their fellow citizens joined the various

[27] J. L. E. Shecut, "Topographical, Historical and other Sketches of Charleston," Charleston, 1819, p. 30.

[28] Meyer Moses was the maternal grandfather of Isaac Harby. See Isaac Harby, in *North American Review*, Vol. XXIII, p. 72.

[29] Robert Wilson Gibbes, "Documentary History of the American Revolution," 1781-2, pp. 182-3. Also Vol. (1776-82), p. 246.

Mordecai Myers seems to have resided at Georgetown. His letters are dated from that place (*supra*). See also Heriot and Tucker's Letter to Marion, "Col. Lushington has only delivered us Mordecai Myers' & Cohen's Accounts," etc. (*supra*).

[30] In the War of Independence, numbers of Jews were enrolled in the Army of the Revolution." Mayor Courtenay's Centennial Address, Charleston Year Book, 1883, p. 388.

[31] Paper read in 1899. *American Jewish Historical Society Publications*, No. 9, pp. 107-122. Prior to the appearance of this sketch, Salvador's career was entirely unknown to writers on American Jewish History.

militia organizations. One of the corps of volunteer infantry organized for the defence of Charleston is said to have been composed chiefly of Israelites.[32] In fact Dr. Fishell seems to intimate that it was organized by Jews.[33] Owing to the destruction of valuable records at the War Office at Washington in 1812, and in the Southern States during the Civil War, it is exceedingly difficult to get the names of members of this military body and information must be gathered indirectly from references rather than from records.

Mr. Kohler has heretofore called attention to Mr. Worthington's address in 1824 on behalf of the emancipation of the Jews in Maryland.[34] Speaking of the military achievements of the Jews during the Revolution, Worthington says: "There were many valuable members, officers principally in the Revolution, from the South chiefly who were nearly all cut off and destroyed early in the war. They were ever at their post and always foremost in hazardous enterprises. Col. Solomon Bush was a distinguished officer in the American Revolution, he died after the Revolution of the wounds which he had received." [35]

With regard to the volunteer company mentioned, Mr. Worthington must have had a complete list of the names before him in 1824 for in the address, he states: "Here is another paper which contains the names of a corps of volunteer infantry in Charleston, South Carolina, in February, 1779. It was composed chiefly of Israelites residing in King

[32] *Occident*, Vol. XVI, p. 142. See also Herbert B. Adams, "A Sketch of Haym Salomon from an Unpublished MS. in the Papers of Jared Sparks," *American Jewish Historical Society Publications*, No. 2, p. 6.

[33] *American Jewish Historical Society Publications*, No. 2, p. 99. See also *Historical Magazine*, Series I, Vol. IV, pp. 52-3.

[34] *American Jewish Historical Society Publications*, No. 4, p. 96.

[35] Speech of Col. J. W. D. Worthington, published with "Speeches on the Jew Bill," etc., by H. N. Brackenridge, Philadelphia, 1829, p. 115.

Street and was commanded by Capt. Lushington and afterwards fought under General Moultrie at the Battle of Beaufort." [36] Solomon Etting of Baltimore writing in 1824 also makes reference to this body.

One of the first persons to be killed during the hostilities about Charleston, was the child of Meyer Moses, whose house was also burnt.[37] The Militia were forming themselves into volunteer uniform companies as early as 1775.[38] A King Street Company is also mentioned [39] and Capt. Lushington appears as a patriot officer between 1775 and 1781.[40] He is often mentioned in Marion's correspondence and figures as an officeholder in Charleston subsequent to the Revolution.[41]

The importance of such a volunteer company amply appears from an address of the Senate in 1782, which reads: "We reflect with pleasure on the steady resolution with which Charleston was defended by a small body of brave men against such a vast superiority of force and we gratefully acknowledge the meritorious conduct and important services of the officers and privates of the militia who stood forth in the hour of danger. . . . ." [42]

A few of the names of members of the King Street Company have been discovered by express reference made to them.

[36] *Ibid.*

[37] "South Carolina in the Revolutionary War," by A Southron (William Gilmore Simms), Charleston, 1853, p. 121.

[38] Moultrie's "Memoirs of the American Revolution," 1802, Vol. I, p 57.

[39] "Kingstree (sic) Company." Charleston Year Book, 1893, p. 225.

[40] "Lieut. Capt. Charleston Militia." Journal Council of Safety, 22 Dec., 1775. Charleston Year Book, 1893, p. 232. Later on he appears as Col. R. Lushington. Gibbes' "Documentary History of the American Revolution," Vol. 1776-82, pp. 184, 245.

[41] Charleston Year Book, 1881, p. 367.

[42] Moultrie's "Memoirs of the American Revolution," Vol. II, p. 314.

Thus, in a letter to which Dr. Hollander has called attention written by Mr. Joshua I. Cohen to Jared Sparks, the writer says: "You will probably recollect a conversation I had with you many years ago during a visit to Cambridge, in which I mentioned to you that Judge Noah, of New York, was then engaged in gathering together the facts and memorials of the part which our people, the Israelites, took in the Revolutionary struggle. *I mentioned to you a militia company that was formed in Charleston, South Carolina, composed almost exclusively of Israelites of which my uncle was a member* and which behaved well during the war." [43]

Mr. Kohler has heretofore also called attention to an article in the *Occident* which intimates that David N. Cardozo, Jacob I. Cohen and Isaiah Isaacs were members of the Company.[44] Jacob I. Cohen appears to have arrived in 1773. He served as a volunteer under Moultrie and Lincoln and throughout the entire campaign in the Carolinas.

"David Nunez Cardozo was a native of New York, but resided in Charleston for over sixty years. He was a subaltern officer in the Militia of South Carolina during the greater part of the revolution until made a prisoner of war in 1780. He was also attached to 'The Forlorn Hope' when the lines of Savannah were attacked by the combined forces of General Lincoln and Count D'Estaing." [45]

Isaac Harby writing in the beginning of the 19th century for the *North American Review* expressly states: "My maternal grandfather contributed pecuniary aid to South

[43] Dr. J. H. Hollander in *American Jewish Historical Society Publications*, No. 2, p. 5. Quite a few of the Jews who served in the Charleston Militia had come from other colonies during the war and did not originally belong to South Carolina.

[44] *Ibid.*, No. 4, p. 96. *Occident*, Vol. XVI, p. 142.

[45] See inscription on his tombstone in Coming Street Burying Ground.

Carolina and particularly to Charleston when besieged by the British. My father-in-law was a brave grenadier in the regular American Army and fought and bled for the liberty he lived to enjoy. Numerous incidents of patriotism are recorded of such Israelites." [46]

The maternal grandfather referred to was Meyer Moses, the father-in-law was Samuel Mordecai.

Manuel Mordecai Noah [47] and Isaac N. Cardozo appear likewise to have been patriot Jewish soldiers of Charleston.[48]

The names of eleven Jewish soldiers appear in the petition to General Lincoln to which reference will be made hereafter.

The names of other Jewish patriots can also only be ascertained by scattered references. Thus, among those who took the oath of allegiance to Pennsylvania in 1782, we find the name of Abraham Seixas, " formerly an officer in the militia of Charlestown, South Carolina, lately arrived in this city." [49]

This gentleman was Lieut. Seixas, a gallant officer who is also mentioned in the Lee papers. He had the entire confidence of General Lee and other prominent officers of the South. He was sent both by and to General Lee from Charleston to Georgia with military communications, an exceedingly hazardous task. In July 1776 Col. McIntosh mentions sending Lieut. Abraham Seixas to General Lee.[50]

In Pulaski's regiment, mention is made of a French Jew, Major Benjamin Nones, who distinguished himself in 1779. The following testimonial written by Capt. Verdier in French is said to be still preserved by the family. It is dated

[46] *North American Review*, Vol. XXIII, p. 73.

[47] Hon. Simon Wolf, " Mordecai Manuel Noah," Philadelphia, 1897.

[48] *Occident*, Vol. XVI, p. 142.

[49] Thompson Westcott, " Names of Persons who took the Oath of Allegiance to the State of Pennsylvania," 1777-89 (Philadelphia, 1865), p. 23.

[50] *New York Historical Society Publications.* Vol. II of Lee Papers, pp. 168, 171.

Charleston, December, 1779, and reads: "It is but just that I should render an account of the conduct of those who have most distinguished themselves for bravery in the Legion. I take advantage of the occasion and with much pleasure of my capacity as Captain of Volunteers attached to the suite of General Pulaski to certify that Benjamin Nones has served as a volunteer in my Company during the campaign of this year and at the siege of Savannah, in Georgia, and his behavior under fire in all the bloody actions we fought, have been marked by the bravery and courage which a military man is expected to show for the liberties of his country and which acts of said Nones gained in his favor, the esteem of General Pulaski as well as that of the officers who witnessed his daring conduct." [51]

It is stated that Major Nones subsequently also served on the staff of both La Fayette and Washington.[52] In a letter written by him long afterward, to which Dr. Adler has heretofore called attention, he writes: "I have not been so proud or so prejudiced as to renounce the cause for which I have fought as an American throughout the whole of the Revolutionary War in the militia of Charleston, and in Polafkey's legion. I fought in almost every action which took place in Carolina and in the disasterous affair of Savannah shared the hardships of that sanguinary day." [53] Subsequently Major Nones became the President of the Philadelphia Congregation.[54]

All efforts by the patriots to save Charleston proved unavailing. When it became evident that further resistance would be hopeless and while negotiations for surrender were in progress, a petition was presented by the citizens of

[51] Markens, "The Hebrews in America," New York, 1888, p. 127.

[52] Markens, "The Hebrews in America," p. 126.

[53] Dr. Cyrus Adler, "A Political Document of the Year 1800," *American Jewish Historical Society Publications*, No. 1, p. 112.

[54] Rev. Dr. Sabato Morais, "The Congregation Mikveh Israel," *Ibid.*, p. 19.

Charleston to General Lincoln, dated May 10, 1780, reciting that "your petitioners understanding it is an indisputable proposition that they can derive no advantage by a perseverance in resistance, with every thing that is dear to them at stake, they think it their indispensable duty in this perilous situation of affairs to request your Honor will send out a flag in the name of the people intimating their acquiescence in the terms propounded."

This petition has about 300 signatures.

Among the Jewish signers are Js. Da Costa, Jr., Joseph De Palacios, Gershon Cohen, Joseph his יוסף mark Myers, Markes Lazarus, Solomon Aaron, Philip Minis, David Sarzedas, Meyer Moses, Joseph M. ——, Abraham Moses, Jacob Henry, Joseph De Palacios, Joseph his + mark Solomons, Zadok Salomo, and the following pronouncedly Jewish names: Jacob Jacobs, Jacob Valk, Mark Morris, Joseph Phillips and Philip Hart.

Another petition to the same effect by *divers Country Militia* bears among others the signature of the following: Samuel Polak, Meyer Salomons, J. Cohen, Samuel Mordecai, Jacob Moses, Juda Abrahams, Moses Cohen, Philip Moses, Abraham Cohen, Barnard Moses, Junr, and Philip Jacob Cohen,[55]

The city capitulated in 1780 and South Carolina was overrun by the British. During the period of the siege a Miss Samuells is frequently mentioned socially[56] but none of the references enable us to ascertain whether she was a Jewess.

[55] The original MS. petitions and signatures are in the possession of the Lenox Library, New York, Lincoln Papers, Emmet Collection. Transcripts made by Mr. V. Palsits were published with other interesting material in Charleston Year Book, 1897, pp. 394-408. The writer acknowledges the courtesy of Mr. Eames and Mr. Palsits, of the Lenox Library, for the perusal of the original MSS.

[56] Letters of Eliza Wilkinson during the Invasion and Possession of Charleston by the British, etc., arranged by Caroline Gilman, New York, 1839, pp. 22, 32, 46, 50, 54, 56, 64, 66, 68, 78, etc.

The siege had been anxiously watched by Jewish patriots in other colonies. Thus, several letters written by W. Croghan from Charleston during the siege, to Michael Gratz give a minute description of the enemy's preparations, of the siege and finally of the capitulation. From all of them it appears that Mr. Gratz was deeply interested and from one of the letters, it seems that a member of the Gratz family was also in South Carolina, at the time, for Croghan writes: "I am uncertain where your brother is, otherwise should write." All of Croghan's letters conclude with compliments for Mrs. and Miss Gratz.[57]

It may be interesting to note also that the distinguished General Gadsden, while confined in prison, after the capture of Charleston by the British and subsequently in prison at St. Augustine, learnt Hebrew. His son states that the General read the old testament in the original and received praise from Ezra Stiles for his proficiency.[58] It is more than likely that the general's teachers were Jewish fellow prisoners.

Some of the patriot soldiers appear frequently in Georgia as well as South Carolina. Thus, Mordecai Sheftall was Deputy Commissary General of Issues for South Carolina and Georgia. He certainly belonged to Charleston in 1750, but in reality his career belongs to the history of Georgia.[59]

[57] Robert Wilson Gibbes, "Documentary History of the American Revolution," Vol. (1776-82) 1857, pp. 129, 133, 134. These letters are both interesting and valuable.

[58] Bancroft MS. at Lenox Library, Vol. I (Misc. Notes), p. 481. The item is apparently in the handwriting of James Gadsden.

[59] *Journal of Congress*, October 28, 1778. Also Dr. Herbert Friedenwald's "Jews in the Journals of the Continental Congress," *American Jewish Historical Society Publications*, No. 1, p. 86. Also article by the present writer in *Jewish Comment*, Nov. 9 and 16, 1900.

To that colony also belong the records of Philip Minis and David Sarzedas though they also figure in South Carolina.[60]

Besides those already mentioned, some decidedly Jewish names appear in the ranks of South Carolina. Thus, a Joseph Goodman is mentioned as quartermaster.[61]

In April, 1782, General Greene writing to Col. Laurens on military affairs, adds: "I did not know until this morning that you had Major Moses' Command with you." [62]

Reuben Etting, another Jewish patriot, was so unfortunate as to be captured by the British at Charleston. It is related that when the British learned he was a Jew, they gave him nought but pork. He became so reduced by cruelty and starvation that though exchanged as soon as his condition was learned at headquarters, he died soon afterward.[63]

Under date May 18, 1781, Lieut.-Col. Moore wrote to General Greene from the "prison ship Torbay, Charles Town Harbor," enclosing a threatening letter which the British commandant circulated among the prisoners. "Should it fall to the lot of all or any of us," he writes, "to be made victims agreeable to the menaces therein contained, we have only to regret that our blood cannot be disposed of more to the advancement of the glorious cause to which we have adhered. A separate roll of our names attends this letter." In the roll of militia prisoners on board said ship, accompanying this letter, appear the following decidedly Jewish names, Samuel Ash, Jacob Cohen, Jacob Henry, Daniel Jacobs and

[60] "The Jews in Georgia in the American Revolution," by the present writer, read before the Society in 1901.

[61] Charleston Year Book, 1893, p. 230.

[62] Gibbes, "Documentary History of the American Revolution," (1776-82), p. 150.

[63] Dr. J. Solis Cohen in *Occident*, Vol. XVI, p. 364. See also *American Jewish Historical Society Publications*, No. 2, p. 66.

Philip Meyer.[64] Jacob Henry I believe to be the same person who, admittedly a Jew, subsequently became a member of the legislature of North Carolina.

Markens in his book on "Hebrews in America" mentions Jacob de la Motta and Jacob De Leon of Charleston as aides on DeKalb's staff, stating that when DeKalb fell at the battle of Camden, these gentlemen carried him from the field.[65] This statement, however, I have not been able to verify.

After the capitulation of Charleston, several Jews left at once for Philadelphia, the refuge of patriotic Americans in that day. Isaac Da Costa, who had been the Minister of the Charleston Congregation, and his son as well, are found there in 1782.[66] The elder Da Costa appears to have been proposed as Chairman of the meeting which decided to erect a regular synagogue in that city.[67]

Some of the others came to Philadelphia toward the close of the war. Among these are Mordecai and Sheftall Sheftall, who however belong rather to Georgia, Benjamin Nones, Isaac Cardozo, and Abraham Seixas. All of these gentlemen were among the founders of the Philadelphia congregation.[68]

Mr. Worthington, in the address referred to, laid stress on the fact that many of the Jewish soldiers of the South served as officers. This statement is confirmed in part by what has

[64] MS. copies of both letter and roll are in possession of the Lenox Library, Emmet Collection, No. 15670. American War, 1776-82, Vol. 2, Leslie Papers. See also Gibbes, "Documentary History of the American Revolution," 1781-2, pp. 74-5.

[65] Markens, "The Hebrews in America," p. 126.

[66] H. S. Morais, "The Jews of Philadelphia." Markens, "The Hebrews of America," p. 337.

[67] Dr. Sabato Morais, "The Congregation Mikveh Israel," *American Jewish Historical Society Publications*, No. 1, p. 12. Also Markens, "The Hebrews of America," p. 337.

[68] H. S. Morais, "The Jews of Philadelphia."

already been said and also by the pension rolls for South Carolina under the Acts of 1818 and 1832. These lists were published in 1835. In the year mentioned, few Revolutionary soldiers were still alive, most of these being over 80 years of age. In the South Carolina contingent, even at that date a few Jewish names may be found. They are David Sarzedas, Lieutenant, Marks Lazarus, Sergeant, David N. Cardozo, Sergeant, and S. Cardozo. Two Jewish widows of Revolutionary soldiers appear as late as 1841. They are Mrs. Judith Abrahams and Mrs. Rachel Lazarus.[69]

In the manuscript collections of the Lenox Library, the writer also found a little memorandum book apparently written about 1838. From this it apears, that pensions were procured for the following widows of Revolutionary soldiers:

Sarah Cardosa, age 73, married 1784; Judith Abrahams, age 75, married 1779; Rachel Lasarus, age 76, married 1776; Mrs. Gershom Cohen (N. York); Rebecca Cohen.

Some of these names appear several times in the MSS. The name of Cicelia Solomon, age 71, married 1785, is crossed out, but legible, while the only Revolutionary soldier in this memorandum is "Dd. Sarzadas, 78."[70]

Shortly after the Revolution, there came to South Carolina, Joseph Salvador, the famous merchant who owned immense tracts of land in America. Part of his estate in Abbeville County, South Carolina, was referred to as "The Jews Land."[71] He died December 30, 1786,[72] and is buried in the

[69] "Report from the Secretary of War in obedience to Resolutions of the Senate of 5th and 30th of June, 1834 &c., in relation to the Pension establishment of the U. S.;" Washington, 1835. Vol. 3, S. C., pp. 14, 35. Also "Letter from the Secretary of War;" Washington, 1820, p. 596. Also "A Census of Pensioners, &c.;" Washington, 1841, p. 146.

[70] This memorandum book belongs to the Ford Collection and seems to have escaped notice heretofore.

[71] See p. 43, note 13.

[72] The *Charleston Morning Post and Daily Advertiser*, December 30, 1786. See p. 43, note 13.

old Da Costa burying ground at Charleston. From his will, a copy of which is in the writer's possession, appears the interesting fact that in 1786, Charleston contained two Jewish congregations. By a codicil made in that year, the testator leaves 100£ to Joseph Da Costa "to pay the same to the Portuguese congregation of the City of Charleston known by the name "Beth Elohim Unvey Shallom or the House of the Lord and Mansion of Peace," and there is a separate bequest of 20£ "to Mr. Gershon Cohen upon trust to pay the same to the German Jewish congregation in the City of Charleston known by the name of the Beth Elohim or the House of the Lord." [73]

The writer's original intention was to give a sketch of the Jews of South Carolina down to 1800. The field, however, is so broad, that no attempt will be made at present to include the period subsequent to the Revolution. It is only fair to mention, however, that in 1790, the Charleston congregation joined with those of Philadelphia, New York, and Richmond in an address to Washington. This address was signed by Manuel Josephson of the New York congregation and a reply was in due time received.[74] It seems, however, that the Charleston congregation sent a separate letter of congratulation,[75] and it is but reasonable to suppose that this too was acknowledged by Washington. This latter reply is in all likelihood the letter said to have been destroyed in the fire of 1838.[76]

A copy of this latter address has never been published by

[73] See p. 43, note 13.

[74] The Address and Reply have been published by this Society: "Correspondence between Washington and Jewish Citizens," Lewis Abrahams in *American Jewish Historical Society Publications*, No. 3, pp. 92-3.

[75] Nathaniel Levin, "The Congregation Beth Elohim," Charleston Year Book, 1883, p. 388. The Charleston Address was written by Mr. Jacob Cohen, President of the Congregation.

[76] *Ibid.* See also Markens, "The Hebrews in America," p. 53.

the Society although it is published in full in the Charleston Year Book for 1883.[77]

[77] The address above referred to reads as follows:

CHARLESTON, S. C., July 15th, 1790.

To the President of the United States:

Sir:—We presume to divert your attention for a few moments from the more important matters which require it, in order to express the sincere desire and lively gratitude we experience, in common with our fellow citizens, in your election to and acceptance of the exalted office of President of the United States. As soon as the Federal Government was instituted, the eyes of your fellow-citizens throughout the States were drawn towards you; their unanimous voices at once proclaimed you the most worthy to preside over it, and their anxious wishes awaited your consent to assume your proper station. The spontaneous effusions of heartfelt satisfaction which burst forth, the unstudied plaudits which universally and publicly resounded on the occasion, seemed to us to obviate the necessity of any particular address. But as these have been presented to you from different classes and sects of our fellow-citizens, as additional attestations of your eminent deserts, and their well assured prospects of increasing happiness from your wise and virtuous administration, we are desirous even thus late not to appear deficient in this respect, especially as every day which has intervened has tended to realize what we so fondly anticipated. Various, extensive and invaluable are the benefits which your fellow-citizens have derived from the glorious revolution which, under Providence, you have been the principal instrument in effecting. To them it has secured the natural and inalienable rights of human nature—all the requisite privileges and immunities of freedom, and has placed within their reach peace, plenty and the other blessings of good government. To the equal participation and enjoyment of all these, it has raised us from the state of political degradation and grievous oppression to which partial, narrow, and illiberal policy and intolerant bigotry has reduced us in almost every other part of the world. Peculiar and extraordinary reason have we, therefore, to be attached to the free and generous Constitution of our respective States, and to be indebted to you, whose heroic deeds have contributed so much to their preservation and establishment. In a degree commensurate to its wise and enlarged plan, does the general government attract our regard, framed on principles

In 1794, the new synagogue of Charleston was consecrated. The exercises were attended by Governor Moultrie, the civil and military authorities.[78]

consentaneous to those of the Constitution of the different States, and calculated by its energy to embrace and harmonize their various interests, combine their scattered powers, cement their union, and prolong their duration. They have already felt their salutary effects. The great exploits you performed while you commanded in chief the armies of the United States, during the arduous and perilous conflicts which purchased their freedom; the toils, fatigues and dangers you surmounted during that glorious warfare, entitled you to honorable exemption from public services, and to spend the remainder of your valuable life under the shade of your well earned laurels in sage retirement and dignified repose to which your truly magnanimous disposition invited, and for the pure and rational enjoyment of which your conscious virtue fitted you. But the infancy of the Federal Government particularly required your fostering care, and invoked the aid of your virtues to animate its friends and reconcile its adversaries. The genuine authority which you alone possessed, which has its source in virtue, and is built on the sure basis of merited esteem and implicit veneration, and which once recognized, has more irresistible sway than arbitrary power itself, was requisite to launch the Federal Government on its new and untried voyage into the ocean, clear of rocks and quick sands, and with favorable gales. Your consummate prudence and firmness were necessary to trace out to your successors the courses they should steer, your example to enlighten, excite and strengthen them. When laudable ambition had nothing more to tempt you with, when fame had wearied itself in trumpeting your renown; yielding to the disinterested impulses of uniform protestations, and the urgent invocations of your fellow-citizens, you quitted your peaceful and pleasurable mansion to involve yourself in the cares and fatigues which now throng on you; and you have shown yourself as eminently qualified to preside at the helm of government, as at the head of armies. While historians of this and every age shall vie with each other in doing justice to your character, and in adorning their pages with the splendor of your endowments, and of your patriotic and noble achievements; and while they cull and combine the various good and shining qualities of the Pagan and modern heroes, to display

The presence of Moultrie on that occasion was indeed a tribute to the patriotism of the Jews of South Carolina. The Revolutionary record of several of the members of the Congregation was doubtless familiar to him; and, during the war, he had been in a position to appreciate that the Jews possessed the most unselfish form of patriotism which induces men to risk their lives for their country on the field of battle.

your character, we, and our posterity, will not cease to chronicle and commemorate you, with Moses, Joshua, Othniel, Gideon, Samuel, David, Maccabeus and other holy men of old, who were raised up by God, for the deliverance of our nation, His people, from their oppression. May the Great Being, our Universal Lord, continue propitious to you and to the United States; perfect and give increase and duration of prosperity to the great empire which He has made you so instrumental in producing. May He grant you health to preside over the same, until He shall after length of days, call you to eternal felicity, which will be the reward of your virtues in the next, as lasting glory must be in this world. I have the honor to be,

Very respectfully, your obedient servant,

JACOB COHEN,
President Congregation,
"Beth Elohim."

[78] Nathaniel Levin, "The Congregation "Beth Elohim," in Charleston Year Book, 1883.

JUDAH P. BENJAMIN: STATESMAN AND JURIST.

By Max J. Kohler, A. M., LL. B., *New York City.*

Odious as comparisons generally are, and unscientific as characterizing in superlatives is commonly bound to be, it is with little fear of contradiction that I venture to describe Judah P. Benjamin as the most distinguished statesman, orator and lawyer, that American Jewry has produced. It is primarily as a statesman that Benjamin will live for posterity, for the lawyer seldom lives in history apart from the jurisprudence he may have aided as an unacknowledged factor in developing, while the fame of the orator is most evanescent and fleeting, and rarely is more than a memory for subsequent generations. A few of the many sober characterizations of Benjamin's work as a statesman, published now, when time has given us a fair perspective, are therefore of particular interest. Mr. Justice Brewer of the U. S. Supreme Court recently said of him: "Benjamin was called the 'brains of the Confederacy' and in acuteness of intellect he probably surpassed most men of his time."[1]

Mr. James Schouler, in his "History of the United States"[2] says of him: "Contemporaries had said at the outset that Toombs was the brains of the Confederacy, but that title, as events developed, belonged rather to Attorney-General Benjamin, the ablest, most versatile and most constant of all Davis' civil counsellors, who acted as Secretary of War after Walker's retirement in September, 1861, and was then installed Secretary of State by the following March, to remain premier until the bitter end, sanguine and serene in bearing, through all mutations of fortune and misfortune."

[1] "The World's Best Orators." Vol. I, p. 398.

[2] Vol. VI (1861-1865), p. 89.

Concerning his position as a lawyer, it will suffice to say that he was regarded as the ablest lawyer of the South already in 1852, when he was elected to the U. S. Senate, that he was offered the Attorney-Generalship of the United States by one President and the nomination to a seat on the Supreme Court bench by another, and had become one of the recognized leaders of the American bar ten years before he began life anew at the bottom of the ladder at the English bar in 1866, from which he retired in 1882, as its acknowledged leader, in the possession of an income of over $100,000 per year, and the author of one of the ablest law treatises of our English jurisprudence. The late J. L. M. Curry, one of his most scholarly associates at the helm of the Confederacy, writing in 1901,[3] says of him: "In the Supreme Court of the United States he could fitly be compared with Wirt, Pinkney, Carter and Choate . . . and a learned Scotch Judge (Lord Shand) told me some years ago in Seville that he stood at the head of the English bar."

His position as one of the world's greatest orators had been lost sight of for some time, owing to the fact that during the last two decades of his career he seldom appeared on the platform, and hence was referred to only as a statesman and a jurist. He is included as one of the world's masters of oratory in both Prof. Guy Carleton Lee's "The World's Best Orators," (Vol. X, pp. 97-110) and Justice Brewer's "The World's Best Orations" (Vol. I, p. 398). Mr. Curry (supra) says of him: "His magnificent speech in the Senate in reply to Seward on the Dred Scott decision, was a masterpiece of polemic discussion, and placed him in the foremost rank of the parliamentary orators of our time. Calm and courteous in manner, with a voice as musical as silver bells, with marvellous lucidity of statement, and power of analysis, with minutest acquaintance with every detail of facts and principles, with merciless

[3] "Civil History of the Government of the Confederate States," pp. 139-141.

logic exposing sophistry; in precise and guarded language charging misrepresentation, evasion and perversion, every sentence a rapier thrust bringing blood; holding auditors, friend and foe, in breathless attention, he added a new lustre to the great council chamber, which for fifty years has been the theatre of oratory and statesmanship." Henry L. Dawes [4] has well classed him with Sumner and Beecher, Wendell Phillips, Yancey and Breckinridge, as having "stirred multitudes, aroused passions and fired the public heart in terms not less eloquent than the loftiest productions of Fox or Pitt, of Patrick Henry or John Adams." Dr. Lee [5] adds concerning him: "A master of easy, fluent English, he was at his best when in philosophical discourse, his rounded periods and sequent thought eminently fitting him for this department of oratory. Prominent as he was as a lawyer, as an occasional orator he was yet more celebrated, and it is in this manner that he is best remembered in his native State."

It is a strange circumstance that a man who achieved prime distinction in so many fields of activity and whose checkered career would liven up the tedious chronicle of a mere lawyer's biography, has not yet found a biographer worthy of the name. In fact, the most detailed sketch of him of which I know, covers only eighteen pages of a *Bar Association Report.*[6] Various reasons may be assigned for this circumstance. There is, first of all, the fact that there have been but few able historians of the lost cause, writing in the South, who would be likely to devote a whole volume to any individual biography. Moreover, Benjamin's long absence from America and devotion to law exclusively during the latter part of his life, in a degree, diminished local interest in him and in his public career in his old American home. But Benjamin's own strong

[4] "Has Oratory Declined?", *The Forum*, October, 1894.

[5] "The World's Best Orators," Vol. X.

[6] H. C. Tompkins in *Alabama State Bar Association Reports*, 1896.

dislike to having a biography of himself prepared and his efforts to thwart such designs by his intentional destruction of almost all available personal data and manuscript material, a short time before his death, has doubtless been a factor in this matter. The result is that only very little personal material is available. His biographer must turn to the history of America, its official documents, together with newspaper and periodical literature, memoirs and correspondence, for the material to be utilized in a biography of the distinguished statesman. Moreover, it may well be doubted whether any one not trained in legal procedure and craft, can correctly trace his career, for Benjamin was always the clear-headed, keen lawyer, even when engaging in statecraft. The absence of personal data naturally makes it extremely difficult to do justice to the man's career. This may well be illustrated by a circumstance which has lately come to light, due to one of his rare personal contributions in later life to clearing up the history of an important circumstance in which he figured. It is well known that he was severely criticized for his conduct of the campaign around Roanoke Island in 1862, while Secretary of War of the Confederate States, though President Jefferson Davis apparently defied public opinion by promoting him to the post of Secretary of State at the very time that he relieved him of the War portfolio, in consequence of the censure of a Congressional Investigating Committee. Decades after the event, Benjamin, in a private letter to a friend, explained this enigma: he had found that he could not justify himself before the commission, without betraying the unknown dearth of ammunition which the Confederate forces suffered from at the time, and the discovery of which would have been quite certain to have reached the ears of the enemy, so Benjamin, with Davis' consent, sacrificed himself, and withheld the evidence which would have cleared him before the Committee and the country.[7] How

[7] B. H. Wise, "Life of Henry A. Wise" (1899), p. 314.

many enigmas must, accordingly, remain unexplained in the career of this imperturbable, ever active, much abused, sphinx-like leader! Nor do we know why he was averse to the preparation of any biography of himself, unless it was a recognition of the fact, that a keen and conscientious knowledge of the lawyer's duty to his clients, required him to keep so many secrets inviolate, that partial disclosures would be found to be inaccurate. One of his last acts before the Confederate Cabinet left Richmond, on April 2, 1865, was to destroy the bulk of the secret service papers of the Confederacy, and thus much heartburning and compromising was averted. Even this, however, did not prevent injury to many reputations when the United States Government, years afterwards, in 1872, acquired by purchase and caused to be published in part, the so-called *Pickett Papers,* from the Confederate archives. Benjamin must himself have felt keenly at this time, what a cruel thing it was that his lips were sealed by honor even for the purposes of self-defence. Thus at every point, subjects were to be encountered, which the lawyer's sense of professional propriety might induce him to regard as "privileged communication," not to be revealed.

Of course, within the limits of a brief paper suited to our Society's purposes, only the barest outline of the career of this distinguished man can be attempted, and I shall accordingly attempt to utilize in full herein, only such items, as I have gathered, that concern his relations to the Jewish race and religion.

Judah Philip Benjamin was born at St. Croix in the West Indies in 1811; his parents, Philip Benjamin and Rebecca De Mendes had left London for this British colony some years before, about 1808, and the eldest sister of our subject Rebecca M. (who subsequently married Mr. Abraham Levy of New Orleans) was born here in 1809. In 1818 Benjamin's father moved to Wilmington, North Carolina, and Judah was sent to a well-known school at Fayetteville. Rumor has it that his talents in early youth were so remarkable, that

they attracted the attention of Moses Lopez of Charleston, who undertook to charge himself with the expense of a classical education for the boy. In 1821 he entered Yale College, and speedily distinguished himself there, both as a popular student and as a prize-winner, standing at the head of the class. His means at college were very small, and he suddenly left before the close of his Sophomore year. Some reminiscences of his college career were published about the time of his retirement from the bar by Samson North, ex-President of Hamilton College, who was his "guardian" at college, and who, when he abruptly left college, took possession of some of his books and effects including a Hebrew Psalter and a Bible, [illegible] inscription to "Solomon Jr. for his industrious scholarship."[1] He and his family shortly afterwards moved to New Orleans, Louisiana, and Judah served there as notary's clerk, taught school and studied law, and was admitted to the Louisiana bar on December 16, 1829. Soon afterwards he married Miss Natalie St. Martin, daughter of Auguste St. Martin and Francoise Peire, his marriage contract, passing before the notary a few days before the marriage, being dated February 19, 1830. His wife was a devout Catholic, and their daughter, Ninette, who married Captain Henri de Bonnemay of the 117th Regiment of the French line long afterwards, and now resides in Paris, was brought up in that faith. Such intermarriage was, in 1830, not uncommon, and we are apt to underestimate the religious laxness which characterized American Jewish life at this period in most of our American cities. We have an account of the Jewish community of New Orleans, written in 1842, which indicates what a slight hold Judaism had upon its communicants there about this period.[2] This writer, upon returning to Germany, from a visit there, records that the city had at the time about 700 Jewish families, of whom only four (4) kept a Kosher table

[1] *New York Times*, February 26, 1880.

[2] *Allgemeine Zeitung des Judenthums*, 1842, Vol. VI, p. 294.

and only two observed Saturday as Sabbath. The Synagogue merely accommodated fifty persons, and, a former Rabbi, a Dutchman, had married a Catholic wife who with difficulty was restrained from sending a crucifix to his grave at his burial. Under such conditions, it is not strange that Benjamin was not observant of the rites and ceremonies of his faith.

Louisiana had been acquired by the United States from France but a short time before Benjamin's admission to the bar, and its language and legal system were still largely French. The broadening influences of this mastery of different systems of law and literature left their mark upon Benjamin, and can be traced in his subsequently displayed breadth of grasp, philosophical reasoning and wide reading. Nor should one fail to note certain other formative influences, which the London *Times* commented upon in a sympathetically written obituary sketch: "his inheritance of that elastic resistance to evil fortune which preserved Mr. Benjamin's ancestors through a succession of exiles and plunderings, and reappeared in the Ministry of the Confederate cause, together with the same refined apprehension of logical problems, which informed the subtleties of the Talmud."

Benjamin's success at the Louisiana bar was remarkably rapid. At first he had found time to prepare, for his own use, a "Digest of the Reported Decisions of the late Territory of Orleans and of the Supreme Court of Louisiana," which was the earliest digest of Louisiana law; in conjunction with his friend, Thomas Slidell, he edited and prepared this digest for publication in 1834. Soon, however, his law practice became so engrossing as to prevent such disposal of his time. As one of the recognized leaders of the Louisiana bar, he rapidly acquired a competency which enabled him to withdraw from the bar, purchase a sugar plantation near New Orleans, and devote himself to sugar planting, and scientific expositions of the best methods of extracting saccharine matter from the cane. He made important experiments in sugar culture on his planta-

tion, which were generally adopted soon after. Some of the results of his efforts in this field were set forth in two articles written by him for J. D. B. De Bow's work on "The Industrial Resources of the Southern and Western States," published in 1852-53. His articles were entitled "Sugar, Cultivation and Manufacture of" (Volume III, pp. 195-207), and "Sugar Manufacture" (pp. 207-213). Himself a slave-owner, he accordingly became familiar with the institution under its most favorable conditions, and knew how false were the pictures of it, claimed to be typical, which the fevered brain of some of the abolitionist agitators created.

Politics also actively interested him, and he was elected to various public offices from time to time. Thus, he was one of the most active and influential members of the Louisiana Constitutional Convention of 1844-45, and again, of that of 1852, and in 1849 he was a successful Presidential Elector at Large for the State of Louisiana, and, as such, cast his ballot for Gen. Taylor as President of the United States. Meanwhile, however, the destruction of his property by overflow had driven him back to the active practice of the law, where success once more awaited him. The number of his important legal cases was very large, as is evidenced by an examination of the law reports of the period. One of the most important of his early cases was connected with a notorious international question, between the United States and Great Britain, known as the "Creole Case." A vessel of that name, while engaged in coasting slave trade, pursuant to an act of Congress authorizing this traffic, was taken possession of by a number of the slaves on board, who mutinied, killed some of the officials and took the vessel into the British port of Nassau. Here the British authorities released all the slaves aboard, except such as were actually charged with murder, on the theory that slavery could not exist on British soil. Our Government made demands on England for damages which were finally adjusted by the treaty of 1842. While the diplomatic negotiations were pending, J. R. Giddings made the

incident the basis of an anti-slavery attack in Congress. Benjamin was the counsel for some insurance companies interested in the slaves, and his brief, printed and submitted in 1842 in the famous case of Lockett *vs.* Merchants Insurance Co.,[10] attracted a great deal of attention. Commercial law became his specialty, though it was succeeded particularly by specialized services in California land title cases, involving enormous sums of money, and in one of which he is said to have received a fee of $25,000, until then unprecedented in size. One of the leading cases of this character that he was connected with was entitled U. S. *vs.* Castillero, in which his brief, was extensively printed, and subsequent counsel on appeal for the claimants, including Reverdy Johnson, Charles O'Conor and J. J. Crittenden, did him the signal honor of filing a copy of his brief, with the Supreme Court when the case reached that tribunal in January, 1863, at a time when Benjamin himself was premier of the Confederate Cabinet.[11] During the October, 1848, term of the Supreme Court of the United States he had been admitted to practice before that Court, and soon became one of the leaders of the federal bar as well. Senator Vest, in a recent biographical sketch of him [12] records the fact that Judge Jeremiah S. Black was Benjamin's adversary in the latter's first case before the Supreme Court, and that Mr. Justice Field had told him that when the Court took its recess, after Benjamin had stated his case, Justice Field said to Judge Black, as he passed him: "You had better look to your laurels, for that little Jew from New Orleans has stated your case out of court." His legal talents rapidly became so generally recognized that President Pierce tendered him the position of Associate Justice of the Supreme Court of the United States, but he preferred his activities at the bar

[10] 10 Robinson's (La.) Reports, 339, cf. 202-332.

[11] 2 Black (vol. 67, U. S.) Reports, 1.

[12] Reprinted in the *American Israelite*, October 15, 1903, from the *Saturday Evening Post.*

and in politics. Previously, when President Taylor's cabinet was being formed, his name had been under consideration for a cabinet position. In 1852 he was elected to the United States Senate from Louisiana, and was re-elected at the expiration of his term, six years later. He was elected as a Whig, but in the general change of party ties attending the Know Nothing movement, he became a Democrat, and was elected as such to his second term in the U. S. Senate. He was a member of the Louisiana Legislature at the time he was first elected a member of the federal Senate, on January 26, 1852, for a term beginning March 4, 1853. In a booklet published in New Orleans as far back as 1847, entitled "Sketches of Life and Character in Louisiana," "portraits principally from the Bench and Bar, by a member of the Bar," Benjamin's position at that date as one of the leaders of the bar was clearly recognized. Even prior to this date, his services as an occasional orator were much in demand, and an "Address delivered before the Public Schools of Municipality, No. 2, of the City of New Orleans on the 22nd day of February, 1845," and published the same year, is one of the happiest examples of his oratory and literary style.

The New Orleans *Weekly Delta* of January 28, 1852, accompanied its announcement of his election to the U. S. Senate by an able character portrait, in which particular prominence was given to his remarkable versatility and untiring energy.

In 1856 Benjamin was one of a small group of Senators that succeeded in securing the nomination of Buchanan for President, as against Douglass, and he enjoyed enormous influence with the Buchanan Administration until immediately before the outbreak of the Civil War. In the Senate he was soon recognized as one of the ablest debaters, Charles Sumner considering him the most brilliant orator in the United States. His readiness in debate was remarkable, and he often spoke on the spur of the moment, frequently without preparation. An examination of the *Congressional Globe* shows that almost invariably friends and foes alike were so much im-

pressed by his oratory, as to be obliged to pay tribute to him on that score on the spot. Senator Vest remarks, in the sketch already cited, that Dennis Murphy, the official reporter of the Senate for forty years, told him, unhesitatingly, at the commencement of Mr. Vest's term in the Senate, in answer to an inquiry as to who was the ablest and best equipped Senator he had known, that it was Judah P. Benjamin; not that he meant that he was the greatest political leader or statesman whom he had known, but that he believed him to be the most accomplished and best equipped public man he had ever met, and Senator Vest adds his own opinion, that he never met his equal as an accomplished, well equipped and ready debater and legislator.

James G. Blaine, however, in his "Twenty Years in Congress"[13] has most aptly summarized Benjamin's ante-bellum political activities in describing him as the author of the doctrine that the federal Government is called upon to protect slave property. Almost all of Benjamin's important political speeches from his advent in the Senate on, were directly concerned with this question. Attention has already been called to the fact that his first great law-suit, the "Creole Case," became a *cause celebre* because of its relations to this question; that was as early as 1842. Such was the tendency of his speech in the Senate on May 25, 1854, on the Kansas-Nebraska Bill,[14] which at once called forth an answer from a leader on the other side, Gen. Cass, in which he said: "I listened to him, as did the Senate, with the deepest interest. I have rarely witnessed, in my congressional experience, an effort marked with higher powers of oratory."[15] In a speech delivered in the Senate a few months later, on February 23, 1855,[16] he referred to a recently made suggestion that the Southern States withdraw from the Union, contending that

[13] Vol. I, p. 160.
[14] *Congressional Globe*, Vol. 26, Appendix p. 766 *et seq.*
[15] *Id.* p. 772.
[16] *Id.* p. 219.

the North was forcing the South into this position, but hoped that he would not be in his seat then. He said: "I hope to take no part in such scenes. I hope to assist in averting that last lamentable catastrophe to the remotest possible time, but, sir, every day I am more and more persuaded it is becoming inevitable, and unless that kind Providence which has hitherto watched over our institutions with paternal care, unless that Power which guided our fathers in the Revolution, shall now guide us, to inspire us with wise counsels, breathe in us the spirit of peace and good will, and above all, govern and guide the conduct of the people of the North, of our *sister* States, as we are still happy and proud to call them; unless this shall be the case, good-bye to this glorious Union of States; good-bye to all hopes of the successful attempt of mankind at self-government, the last, the great, the decisive experiment will have failed." On May 2, 1856, he delivered an address in the Senate on the Bill for the Admission of Kansas,[17] in which he was the adversary of Seward; his address attracted very much attention by its logic force and oratory. The same is true of his speech on the Kansas Bill in the Senate on March 11, 1858, delivered a few days after his reply to Seward of March 3, 1858, on the Dred Scott decision,[18] concerning which Mr. Curry used the eulogistic language already quoted. His speeches in the Senate of May 8, and December 31, 1860, on the "Relations of States" were powerful expositions of the Southern view, while his farewell speech to the Senate, delivered February 4, 1861, on resigning his seat in the Senate, is properly included as one of the finest examples of American oratory extant. It is of this speech that Sir George Cornwell Lewis said to Lord Sherbrooke: "Have you read Benjamin's speech? It is better than our Benjamin (meaning Disraeli) could have done." Judah P. Benjamin's right to be regarded

[17] *Congressional Globe*, 1st Session, 34th Congress, 1855-6, Pt. II, pp. 1092-1096.

[18] McCloskey's "Political Text Book," pp. 206-208.

as one of the greatest of the world's orators is no longer open to dispute.

Upon the organization of the Confederate Government, President Jefferson Davis immediately called Judah P. Benjamin into his Cabinet, first as Attorney-General, on February 25, 1861, to which was added the position of acting Secretary of War on September 17, 1861. On November 21, 1861, he became regular Secretary of War, resigning the Department of Justice portfolio. He retained this position till March 17, 1862, when he became Secretary of State, which position he retained till the collapse of the Confederacy in 1865. Throughout, he was Jefferson Davis' most intimate and most influential adviser, and was constantly described as the "brains of the Confederacy." During much of this time, particularly during the incumbency of the Secretaryship of War, Benjamin was extremely unpopular, but President Davis never for a moment lost confidence in him. He resigned the War portfolio by reason of the Confederate reverses in connection with the Roanoke Island campaign in 1862, for which he was commonly held in a large degree responsible, but in spite of censure from the Confederate Congress, President Davis promoted him to the Secretaryship of State. Naturally, however, conduct of War Department affairs by a civilian gave rise to friction.

His most important labors were, however, rendered in conjunction with the diplomatic activities of the Confederacy. Unfortunately, a thorough study of the Diplomacy of the Confederacy has not yet been published, nor any adequate biography of Judah P. Benjamin, which would be the principal chapter of such history. Only then will it be shown how nearly European intervention was secured, particularly Napoleon III's aid, by the tempting and statesmanlike efforts of the Confederate State department under Benjamin's direction and the probable transformation of an insurrection into a successful revolution in consequence. Even published data, however, justify the conclusion of Rev. Dr. I. M. Wise in an

editorial in the *American Israelite* (May 16, 1884), that "he was undoubtedly the most successful statesman of the Jewish family in this (19th) century and country."

In considering Benjamin's services to the Confederacy, his conduct of its diplomatic relations is, of course, of the highest importance. To the Confederacy, the activities of that department were second in importance only to that of the War Department itself. Upon foreign recognition and intervention was dependent, in large measure, the financial administration of the Government, not merely because its credit for borrowing purposes was largely staked upon this achievement, but because necessary loans could be negotiated satisfactorily only abroad. So also, the matter of creating a navy, and European disregard of the alleged blockade of Confederate ports, were almost wholly dependent upon diplomatic successes.

The two principal countries here involved were, of course, England and France, and from an early day on, it became manifest that European diplomatic complications required them to agree upon concerted action. As regards England, it must be conceded that Benjamin's policy was based almost wholly on his acceptance of the theory that "Cotton is KING." He believed that the cotton famine which was resulting from the War and which he utilized throughout as the basis for negotiations with Europe, would drive England into a recognition of the Confederacy and intervention. The most recent publications throwing light upon the conduct of the British relations to the Confederacy tend to confirm the view that he nearly succeeded in these designs, that actual starvation was narrowly avoided for a large section of the British people in consequence of the War, and that sentimental reasons alone—it is believed actual interference by English royalty itself on behalf of human freedom—succeeded in inducing the controlling elements in the British Cabinet to disregard the dictates of their intellect in this respect. It is interesting, in this connection, to turn to Sir Wm. H. Russell's

"Reminiscences of the Civil War"[19] for an account of Benjamin's own recognition, long after the war, of his error of policy in this regard. Mr. Russell had been Special Correspondent of the London *Times* during the Civil War, had been honored by the Confederate authorities with a special seat in Congress during all its proceedings other than executive sessions, and had been largely responsible for the strong pro-Southern tendencies of that influential journal, which Lincoln had been accustomed jocularly to describe as the "bad *Times*" in contradistinction to the New York paper of the same name. Mr. Russell, who had been intimate with Benjamin during the war, and was familiar with his plans and hopes, remarks: "Many long years afterward I walked with Mr. Benjamin from a pleasant dinner party in Mayfair, and reminded him of our conversation in Montgomery. 'Ah, yes,' he said, 'I admit I was mistaken! I did not believe that your government would allow such misery to your operatives, such loss to your manufacturers, or that the people themselves would have born it. And, let me tell you, though I have done now with politics, thank God! I consider your government made a frightful mistake which you may have occasion to rue hereafter.'"[20] Of course, Confederate diplomacy won many victories short of actual recognition in England, strengthening the standing and credit of the Confederacy, and the decision of the Alabama Claims in favor of the United States indicates that Great Britain was induced by Confederate efforts, to unduly favor the designs of the South in the matter of naval assistance to the Confederacy. Benjamin's argument based upon the high tariff walls erected by the North, in favor of European recognition and intervention, was also ingenious.

One of the absurd calumnies to which Benjamin was subjected is well indicated by the fabrication of a letter, alleged to have been written by him before the war to the British

[19] *North American Review*, March, 1898, p. 373.
[20] Cf. Bancroft's "Life of Seward," Vol. II, 302.

Consul at New York offering to have the South return to its one-time British allegiance, provided its slave interests were protected, which is to be found reprinted in Barnes' "Memoirs of Thurlow Weed." This is one of the few instances in which Benjamin departed from his policy of silence after the war to categorically and absolutely deny the genuineness of the document.[21]

As regards France, Benjamin's efforts seem to have been more comprehensive. He was well acquainted with the temper of the French nation and its monarch, Napoleon III, having made annual trips to France during many years preceding the war, on one of which he personally had a very suggestive interview with the Emperor.[22] Mercier, the French Ambassador to the United States, who had been a close friend of Benjamin's prior to the war, was induced to pay a visit to Richmond in the Spring of 1862, and was very friendly towards the interests of the Confederacy. Particular efforts were made to secure French aid in the direction of recognition and intervention, but, however probable the success of these efforts appeared to be at different times, the agreement with England for concerted action and general European politics, fortunately for the union, prevented the success of these endeavors, too. An interesting chapter of Confederate history, however, might be written, to show that the close racial and personal ties between Benjamin and the Erlanger family of Paris were important factors in the negotiation of the Erlanger loans, by which the Confederacy secured its most important financial assistance, abroad. In considering the ultimate failure of the Confederate diplomatic policy, however, it is important not to overlook the fact that Lincoln's "Emancipation Proclamation" was a prime factor in making European

[21] *New York Times*, January 29, 1884 (2-4) and February 5, 1884 (4-5).

[22] "Louis Napoleon and the Southern Confederacy," by O. F. Aldis, *North American Review*, Vol. CXXIX, pp. 342 and 344.

intervention morally impossible. Nor should it be forgotten that the military reverses of the Confederacy occurred at most inopportune moments for diplomatic successes. A very curious chapter in Confederate diplomatic history has just been published in the shape of the Correspondence exchanged by Benjamin and the Pope, in 1863, designed to secure Papal Intervention on behalf of the Confederacy, and incidentally to win Catholic support for the Southern efforts both in Europe and America.[22a]

Aside, however, from matters falling directly within the State Department's jurisdiction, Benjamin was, throughout, the most potent and influential adviser of Jefferson Davis concerning all important matters that arose. The result was, as this fact became known, that he became the scapegoat upon whom almost all unpopular measures of the administration were saddled by its enemies. Gov. Foote, in attacking the administration à propos of a visit of two hours' duration paid by M. Erlanger at the State Department, during which the conversation was conducted in French, said in a speech in the Confederate House of Representatives: "On the occasion of the recent visit of M. Erlanger, Minister Plenipotentiary and Envoy Extraordinary from His Highness, the Emperor of France, to His Highness, the-would-be Emperor of the Confederate States, Judas Iscariot Benjamin had spoken French for two hours," referring to Cicero's having spoken Greek for two hours when Julius Cæser was thrice tendered the crown.

The extraordinary versatility and untiring industry and thoroughness which had been referred to in the notice of the New Orleans press upon Benjamin's election to the Senate, characterized his career in Davis' Cabinet also. Senator Vest, who knew him well at this period, says of him: "In one respect he was the most remarkable man I have ever known. He was capable of performing the intellectual labor

[22a] See *Records of American Catholic Historical Society of Philadelphia*, September, 1903.

of a dozen ordinary men, and told me once that he had never known what it was to be fatigued by professional or official duties." It is known that it was his rule during the war to go to his office at 8 A. M. and to remain there with only short intervals of rest until one or two the next morning.

At the close of the Civil War, Benjamin fled to the West Indies and then to England, losing all his property by confiscation. The late Col. Burton N. Harrison, Private Secretary of Jefferson Davis, has pointed out, how cheerful he was even in the hour of despair, when capture by the Union forces probably meant an ignominious death for both Davis and himself. "So long as he remained with us," says Mr. Harrison, "his cheery good humor and readiness to adapt himself to the requirements of the emergencies made him a most agreeable companion."[23] In England at the age of 55, he had to commence bread-winning anew. Early in 1866, as a British subject, he entered as a law student at Lincoln's Inn, and in June of that year was called to the English bar, the usual term being curtailed by reason of his past eminence and acumen, through the influence of distinguished English judges. In 1868 his work on "Sales of Personal Property" appeared, and immediately became a marked success on both sides of the Atlantic. His success at the English bar, after a brief interval during which he had been compelled to take up editorial work on the London *Daily Telegraph,* was extraordinary, particularly in connection with colonial appeals. In 1872 he attained the rank of Queen's Counsel and his retirement from the bar took place in December, 1882.

A farewell dinner was given in his honor by the Bench and Bar of England in the hall of the Inner Temple, London, on June 30, 1883, which was presided over by the Attorney-General, Sir Henry James. His standing as the unquestioned leader of the British bar had been generally recognized for some years prior to his retirement. He died at Paris, on

[23] *Century Magazine,* November, 1883, Vol. XXVII, p. 135.

May 6, 1884, being survived by his wife, and a daughter, Ninette, wife of Captain Henri de Bousignac of the 117th regiment of the French line. A brother, Joseph Benjamin, living at Puerto Cortes in Spanish Honduras, survived him, and he also left several nephews and nieces in Louisiana. One of these, Mr. Ernest B. Kruttschnitt, is to-day one of the leaders of the Louisiana bar, and was at the helm in the contest against the Louisiana State Lottery a few years ago.

In the course of the foregoing remarks, incidental references have already been made to Benjamin's relations to Jews and Judaism, though a general discussion of the matter has purposely been reserved for separate treatment. As noted, Benjamin's parents were both Jews, and as far as he had any religious views, he remained a Jew all his lifetime, though in fact he never actively affiliated himself with any church. The influence of Jewish antecedents and traits in moulding his career has, as will have been observed, been noted by his ablest biographers. His possession at college of the Hebrew Psalter, subsequently taken possession of by President North, further indicates personal familiarity with Hebrew at an early age, and educational advantages seem to have been offered to him through the liberality of a generous co-religionist. It is not surprising that the unfriendly Jewish surroundings in New Orleans existing at the time of his settlement there, should have led to his marrying out of the faith, and disassociation from active participation in Jewish religious affairs. Interesting light upon his relations to Judaism is cast by an incident related by the late Rev. Dr. I. M. Wise, in his "Reminiscences," edited by Rev. Dr. D. Philipson (p. 184). In the course of a visit to Washington in the early fifties, Dr. Wise was introduced by Daniel Webster, then Fillmore's Secretary of State, to Senator Benjamin and Maury, the scientist. Dr. Wise describes the interview as follows: "'Mr. Senator,' said Webster to Benjamin, 'my friend is of your race. I would have said your co-religionist, but I do not know how much or how little you believe; and in truth we four are

all co-religionists since we are all Unitarians.' Maury objected to this, since he had never belonged to any church organization, and had never made any public confession of faith, and Benjamin protested likewise, since in his opinion, Judaism and Unitarianism were entirely different. An interesting discussion arose, and Benjamin proposed that they should dine with him in the evening and debate the subject." This plan was carried out, and in the evening "Webster began the interrupted conversation at once, and wanted to know my opinions. I referred to Theodore Parker's conception of Unitarianism, and set over against this my conception of Judaism. This forced me to the conclusion that there was no essential difference in the matter of doctrine, but in historical development, which, however, did not enter into the question of doctrine. 'It is well,' said Webster extending his hand to me, 'you are indeed my co-religionist.' Maury made the droll confession that he believed something of the same kind, but he had never had time to give it a definite form. Benjamin alone was not satisfied. He had a confused notion of orthodox Portuguese Judaism, and although he rarely heard anything about it, and was never guided by it, he yet insisted that he had no co-religionists besides the Jews. The conversation was most interesting to me; only I felt very sorry that Benjamin could not cite one Jewish source, while Webster was thoroughly versed in the Bible, and had a full knowledge of history."

On May 10, 1854, Benjamin presented in the Senate, a petition of citizens of the United States, professing the Jewish religion, praying that measures may be taken to secure to American citizens of every religious creed, residing or travelling abroad, their civil and religious rights.[24] This was one of the petitions called forth by Swiss discriminations against the Jews. In England, he did not identify himself at all with Jewish affairs, it seems, yet Jewish friends there, in obituary sketches[25] remark that one appealing to him on the plea of

[24] *Congressional Globe*, Vol. 27, 33d Congress, Pt. II, p. 1144.
[25] *Jewish Chronicle*, May 9, 1884.

community of race was always sure to enlist his sympathy and support. In Paris, during the year prior to his death, he stated that he was not identified with any religious organization.[26] It is sometimes said that Benjamin became a convert to Catholicism on his death-bed, and his interment notice and burial in Pere la Chaise Cemetery tend to lend color to this view,[27] but investigation of his declarations and practices down to the time of his death, controvert this claim. Of course, his wife and daughter, being devout Catholics, were surrounded by Catholic influences and arranged Catholic burial for him, but if there is any truth in the baptismal story, it probably merely means that on his death-bed, when he no longer was conscious, some Catholic rites may have been performed over him.

But though Benjamin was little more than a race Jew all his lifetime, his race was throughout his career a target of attack upon him, on the one hand, and on the other, led to most unjustified identification of Jews with the pro-slavery cause in the public mind. It has been said that his relations with Jefferson Davis began through some objectionable remarks of this nature, made by Davis concerning him in the Senate, in June, 1858, which led to Benjamin's challenging Davis to a duel; Davis withdrew the remarks, and intimate relations of mutual respect and esteem began.[28] More generally accepted is the statement that in the early fifties he was taunted by a distinguished adversary, a Senator from Kentucky, about his faith, he being referred to in the open Senate as "that Jew from Louisiana." Benjamin promptly replied: "It is true that I am a Jew, and when my ancestors were receiving their Ten Commandments from the immediate hand of Deity, amidst the thunderings and lightnings of Mt. Sinai,

[26] *Jewish World*, May 16, 1884.

[27] *Ibid.*

[28] Frederick W. Seward's "Seward at Washington," Vol. I, p. 346; Judge Tompkins' sketch supra, p. 65, note 6.

the ancestors of my opponent were herding swine in the forests of Great Britain." This story is told with numerous variations; Senator Vest telling it circumstantially as occurring on a canvass of the State of Louisiana for election to the U. S. Senate, Gen. Henry Gray being his adversary, and the scene the hustings at Shreveport. A further variant upon it is told on the authority of a correspondent claiming to have been an auditor on the scene, in the London *Jewish World* (May 16, 1884); Humphrey Marshall, of Kentucky, at a Washington caucus, there figuring as the antagonist of Benjamin. It will be remembered that a similar story is told of Benjamin Disraeli in the House of Commons, apparently antedating Benjamin's experience in point of time.

When Benjamin and Yulee withdrew from the U. S. Senate, to espouse the Confederate cause, the number of newspaper and verbal attacks upon the Jews collectively as "pro-slavery" became well nigh legion, and did serious injury to the Jewish name in America. Even before this, Senator Wade's sneering remarks in the Senate about "Israelites with Egyptian Principles,"[29] and directly aimed at Benjamin, had awakened much comment. The *American Israelite* in its issue of January 25, 1861, scathingly denounced the Boston *Transcript* for having, in its issue of January 5, 1861, referred to Mordecai of Charleston, Benjamin of Louisiana, "The disunion leader in the U. S. Senate," and Yulee of Florida, all Jews, as opponents of the Union and inquired whether the Jews, having no country of their own, desire to put other nations in the same unhappy condition. The *Israelite* rejoined that the Jews, through their principal men, take no part in attempting to destroy a Constitution which has been to them an ark of refuge and safety. The *Israelite* in its issues of March 22, and 29, 1861, published similar rejoinders to such

[29] *Congressional Globe*, 1st Session, 35th Congress, p. 1158, March 1858, cited in my article on "Jews and the American Anti-Slavery Movement," II, *American Jewish Historical Society Publications*, No. 9, p. 52.

strictures from Senator Wilson of Massachusetts, and similar remarks made by Senator Johnson of Tennessee met with the same treatment. In its obituary sketch of Benjamin, Dr. Wise wrote in the *Israelite* on May 16, 1884: "His (Benjamin's) secession gave at the time great trouble to the Jews of the United States. Every petty politician and every court poet defamed and slandered the Jews in the press and in Congress because that one Jew went with so many Christian colleagues over to the Confederacy. Senator Wilson (of Massachusetts) and Johnson (of Tennessee) carried that slanderous language into the Senate of the United States. In vain had all of them been told, frequently and emphatically been told, that Mr. Benjamin had nothing in the world to do with the Jews. He never did anything for them, and they never did anything especially for him. Benjamin was known as a Jew, he never denied that, and all the Jews, as usual, had to suffer for his actions." Such investigations as Mr. Simon Wolf's in the "The American Jew as Patriot, Soldier and Citizen," and our society's studies concerning Jewish activities in the American Anti-Slavery movement show conclusively that Benjamin's attitude did not represent that of a majority of his race, but fortunately, time has healed old wounds. We can do justice to-day to the views of the leaders that differed from the prevailing policy, and instead of being ashamed to be identified with Benjamin, American Jewry can to-day point with pride to the remarkable career of the greatest statesman, orator and lawyer it has yet produced, notwithstanding his identification with the "Lost Cause."

CALENDAR OF AMERICAN JEWISH CASES.

By Albert M. Friedenberg, B. S., LL. B., *New York City.*

In the present list such cases as have been actually decided by the various tribunals of the United States since the adoption of the Constitution are set down. Only those involving Jewish questions and the rights of Jews before the law are considered. Naturally, colonial cases are not noted, because they are few in number and not to be looked upon as a part of American, but rather of English, law. For additional details of the American Sunday law cases, the reader is referred to my papers in *Publications Am. Jew. Hist. Soc.,* No. 10, p. 136; *idem.,* No. 11, pp. 101 *et seq.* I would also refer the reader to Brewer, *J.'s* opinion in Church of the Holy Trinity *v.* United States, 143 U. S., 457 (1897), last paragraphs. I may add that this calendar, while of course it aims at completeness, does not pretend to be exhaustive. The date, December 1, 1904, has been set as the *terminus ad quem.* For two Maryland cases (from 1847 and 1870, respectively) I am indebted to Miss Henrietta Szold and Louis H. Levin, Esq.; several others Max J. Kohler, Esq., kindly pointed out to me.

1793—Pennsylvania. Stansberry *v.* Marks, 2 Dallas, 213. See *Publ. Am. Jew. Hist. Soc.* (John Samuel), No. 5, p. 35 *et seq.*

A Jewish witness who refused to be sworn as such on Saturday fined £10.

1816—Pennsylvania. Commonwealth *v.* Wolff, 3 Serg. & Rawle, 48. See *ib.*

Defendant's contention, a conscientious Jew could perform worldly labor on Sunday and be exempt from the operation of a Sunday statute, was not upheld.

1819—South Carolina. State *v.* Carvalho, MSS. Decisions, 1819. 2 Chisholm and Hyde's *Index-Digest South Carolina Reports, 1793-1882,* 411.

Disturbing a congregation of Hebrews was an indictable offence at common law, although the offender was a member of the same.

1831—Pennsylvania. Phillips *v.* Gratz, 2 Penrose & Watts, 412. See *Publ., supra.*

Excusing a Jewish plaintiff from attending court on Saturday is a matter of discretion, not of right. See *The American Hebrew,* April 22, 1904, p. 704a, for a similar case.

1833—South Carolina. Town Council of Columbia *v.* C. O. Duke and Alexander Marks, 2 Strobhart (Law), 530.

Jew's conviction under a Sunday statute was sustained.

1845—New York. Maxon *v.* Annas, 1 Denio, 204.

Although process cannot be served validly on Saturday upon one who keeps that day as holy time, a judgment rendered against such a person on that day is not void.

1845—New York. The People, *ex rel.* Hart, *v.* Phillips and Ritterband, 1 Denio, 388.

It was held that defendants, by continuing to act as such, had usurped the office of trustees of K. K. B'nai Jeshurun, New York, since it was *not* shown that none at any time was elected to succeed them.

1845—Ohio. The Mayor of Cincinnati. *The Occident,* ed. by Isaac Leeser, iii, 57.

Sunday law case.

1846—Ohio. The City of Cincinnati *v.* Jacob Rice, 15 Ohio Reports, 225.

Sunday law case.

1846—South Carolina. The State, *ex rel.* Abraham Ottolengui and others, *v.* G. V. Ancker and others, 2 Richardson's Law, 245.

See Barnett A. Elzas, *The Organ in the Synagogue,* Charleston, 1902. *Idem., A Triumph of Tolerance,* n. p., n. d. The defendants

were members of a Jewish religious corporation, and their adversaries' acts (introducing an organ into the service) were offered in evidence as tantamount to their own resignation as members. It was contended that the acts of defendants at most implied but a temporary withdrawal from the congregation: for the majority had changed the established ritual of the congregation thereby altering some cardinal points of Jewish doctrine. The court (appellate) decided that this evidence was properly rejected. *Dicta:* membership in a Jewish society may be actually or impliedly resigned. Where, by the constitution, supreme power is vested in (*a*) the *Parnass*, (*b*) the trustees, action by the former is a prerequisite for making the acts of the latter legal. Three pamphlet copies of the report of the evidence and the argument of counsel (Charleston, 1844) are in the Leeser Library, Philadelphia.

1846—South Carolina. City Council of Charleston *v.* S. A. Benjamin, 2 Strobhart (Law), 508.

Sunday law case. Defendant's conviction affirmed.

1847—Maryland. Mendez I. Cohen *v.* James V. Wagner, 6 Gill, 236.

Plaintiff endeavored to prevent the ratification of the foreclosure sale of the Holliday Street Theatre, Baltimore, on the ground that it took place on Saturday, June 20, 1844, a day on which he transacted no business. The court decided that, as the exceptant had had ample notice of the date of sale, and by a proper application could have had it changed, his " . . . . failure to do this must be regarded as a waiver of all objection to the day of sale, as being a *Jewish* Sabbath; and he must abide the consequences of his own omission." (P. 251.)

1847—New Jersey. Solomon Newman *v.* Abraham Newman, 7 New Jersey Equity (3 Halsted), 26.

The oath of a Jew complainant to an injunction bill must be according to the form and solemnities of the Jewish religion. Compare Sells *v.* Hoare, 7 Moore, 36, s. c., 3 Broderip and Bingham, 232 (England, 1822), where it was held that a witness' testimony is not to be objected to after a verdict, where the witness was sworn on the New Testament, and it was afterward discovered that he was a Jew. This case is not noted in the list in *The Jewish Year-Book* of England.

1853—Ohio. Bloom *v.* Richards, 2 Ohio State, 387.

Dictum: a Sunday statute must exempt Jews from its operation. Same rule followed in People of the State of Michigan *v.* Michael Bellet, 99 Michigan 151 (1894).

1856—Iowa. Philip Alexander. *The Occident,* xiii, 558.

Sunday law case.

1857—New York. Mark Isaacs *v.* The Beth Hamedash Society, 1 Hilton, 469.

Award of arbitration, by Jews, made on Sunday but not published until Monday, was sustained. (Common Pleas; C. P. Daly, *J.*)

1857—New York. The People *v.* Samuel Jackson, 3 Parker's Criminal Reports, 590.

A Jewish witness must be sworn by statute, according to the peculiar ceremonies of his religion; here, upon the Hebrew Bible and with his head covered. (*The Revised Statutes of the State of New York*, Albany, 1829, v. ii, p. 408. "§86. Every person believing in any other than the Christian religion, shall be sworn according to the peculiar ceremonies of his religion, if there be any such ceremonies, instead of any of the modes herein before prescribed." This was repealed by Laws of 1877, ch. 417.) See Constitution of Maryland, Art. XXXIX. Compare Sessenwein *v.* Palmer, 3 Quebec Practice Reports, 110 (1899), in which it was held that a witness at the trial, who professes the Jewish religion, but is sworn on the Evangelists and without placing his hat on his head, will be sworn anew by order of the court when his religious belief is ascertained by counsel, notwithstanding the fact that the witness declares himself bound by the oath he has already taken.

1858—California. *Ex parte* Newman, 9 California, 502.

Jew's conviction under a Sunday statute reversed. But see *Ex parte* Andrews, 18 California, 680, where this case was treated as unsound.

1860—New York. Marks *v.* Wilson, 11 Abbott's Practice, 87.

Judgment on a process served on a Jew on Saturday is to be avoided only where it is established that the service was affected maliciously and with knowledge.

1865—Massachusetts. Kennedy *v.* Doyle, 10 Allen, 161.

Dictum: Davis *v.* Lloyd, 1 Carrington & Kirwan, 275 (England, 1844), where it was held that the entry by the Chief Rabbi in the Synagogue register book of the circumcision of the plaintiff, a Jew, was not admissible evidence as proof of his age, declared to be bad law. That case would have been otherwise decided in Massachusetts.

1865 —New York. Asahel S. Levy and ano., exrs., etc. of Uriah P. Levy, deceased, *v.* Virginia Levy *et al.*, 33 New York, 97.

Bequest for education of orphan children of the "rest and residue of the estate, real, personal or mixed," of the testator to the American people, or to such persons as Congress shall appoint as trustees, and provisionally and in succession to the people of Virginia or to the Portuguese Hebrew congregations of New York, Philadelphia, and Richmond, held to be void as a trust, 1. because of the indefiniteness of the beneficiary; 2. no system of charitable uses existed at that time in New York. See also Albert M. Friedenberg, "Charitable and Religious Trusts," *Albany Law Journal*, lxiv, 347 *et seq.*, October, 1902.

1866—Pennsylvania. The Society for the Visitation of the Sick, &c., *v.* The Commonwealth *ex rel.* Max S. Meyer, 52 Pennsylvania State, 125, at 135.

A Jewish society can properly expel a member on Sunday.

1867—Alabama. Frolickstein *v.* Mayor of Mobile, 40 Alabama, 725.

A Jew was convicted under a Sunday law.

1869—Massachusetts. Commonwealth *v.* Charles Hyneman, 101 Massachusetts, 30.

Sunday statute upheld as against a Jew.

1870—Maryland. Petition of the Lloyd Street Congregation, Baltimore. *Hebrew Leader,* August 19, 1870.

The Lloyd Street Congregation petitioned the Circuit Court of Baltimore to enjoin their cantor from reading the prayers according to the reform ritual. The decision of the court has not been preserved.

1871—Georgia. Maria Donkle *v.* Morris Kohn, 44 Georgia, 266.

Jew is a competent witness at common law: a lack of faith in Jesus as the savior is no ground for the exclusion of such a person's testimony.

1873—New York. Herman Marks *v.* The Congregation Daruch Amuno, 5 Daly, 8.

Plaintiff and his brother wrote to defendant, resigning their membership *so long as* a new reader was not elected. "Held, that this was not a resignation, but an attempt to create a suspension of their membership until the happening of a certain event, when they should have the right to resume it, and that as there was no provision in the by-laws authorizing such a suspension, that they continued members, and were liable under the by-laws to the payment of dues." (Reporter's note.)

1873—New York. Rossman *v.* Congregation Ansche Chesed, Supreme Court, Special term. Unreported.

A disinterment case.

1874—Louisiana. City of Shreveport *v.* L. A. Levy, 26 Louisiana Annual, 671.

A Sunday law exempting Jews is invalid.

1875—New York. Solomon *v.* The Congregation B'nai Jeshurun, 49 Howard's Practice, 263.

An injunction to restrain trustees of a religious society from changing pews and arranging for family worship will not be granted where the trustees and a majority of the members proceeded in a regular, just and legal manner. " . . . . If the separation of the sexes during divine worship be a cardinal principle of the faith professed by this society then a goodly portion of its membership have sanctioned a grievous error. But such a conclusion is not possible in view of the opposing affidavits by which it appears that the question of faith involved is at least one of doubt. I leave it therefore, where it properly belongs, to the judicature of the church." (Larremore, *J.*, p. 264.)

1877—Massachusetts. Commonwealth *v.* Gehring Has, 122 Massachusetts, 40.

Sunday law case.

1877—Ohio. Billigheimer *v.* The State of Ohio, 32 Ohio State, 435.

Sunday law case.

1879—Louisiana. State *ex rel.* Soares *v.* Hebrew Congregation "Dispersed of Judah," 30 Louisiana Annual, 205.

In the United States, church and state are entirely separated. Hence a member expelled from a religious society cannot be restored to membership by mandamus, even though his rights of sepulture be lost through the expulsion.

1881—Massachusetts. United Hebrew Benevolent Association *v.* Joshua Benshimol, 130 Massachusetts, 325.

A charity can recover unpaid yearly dues from a member who had not yet signed its by-laws.

1882—New York. Anonymous, 12 Abbott's New Cases, 455.

A Jew cannot plead his faith in excuse under a Sunday law. Yet see, for a very liberal interpretation of the law, Lindo *v.* Unsworth, 2 Campbell, 602 (England, 1811), where it was held that the holder of a bill of exchange is excused from noticing its dishonor to those liable on it, in the usual time, where the day on which the regular notice was to have been given was a Jewish holy-day (here *Yom Kippur*). This case is not noted in the list in *The Jewish Year-Book* of England. But the rule of law of the Lindo case is well-established in America.

1886—Iowa. Sax *v.* Drake *et al.*, 69 Iowa, 760.

Disrespectful language was used of Jewish merchants in an attorney's brief, viz.: "In the first place, it is proper to state that J. B. Sax and Charles Sax are the sharpest clothing dealers among the Jewish merchants of Ottumwa, Iowa." (P. 761.) Of this the court said, p. 762: " . . . . The counsel do not, of course, claim that in this court one rule of law is to be applied in determining the rights of Jews, and a different one in determining other persons' rights. But the remark justifies the inference that the counsel supposed that the members of this court were not Jews, and possibly had a prejudice against them; and possibly, if they had, were not above being influenced by such prejudice. We would probably be justified in striking the whole argument from the files as containing a remark disrespectful to the court;

but we think best merely to say that the remark meets with our disapprobation."

1887—Massachusetts. Commonwealth *v.* David Starr, 144 Massachusetts, 359.

The defendant was found guilty, under the statute, of having kept his meat-shop in Salem Street, Boston, open on a certain Sunday (November 21, 1886) for the purpose of doing business, this being work neither of charity nor necessity. He contended that as a Hebrew, conscientiously observing the seventh day of the week as his Sabbath (his store being closed on that day), he had the right to supply surreptitiously (*i. e.*, not being open for business) observant Jews with meat on Sunday. Held, that this was an immaterial defence. The statute prohibits keeping open a shop for any purposes of business on Sunday, the exception as to works of charity or necessity being inapplicable to this defendant's case.

1889—Connecticut. Samuel L. Bronson and another, executors, *v.* Isaac Strouse and others, 57 Connecticut, 147.

Here Esther Ullman's will, which directed that the surplus income, if any, be given to "some poor deserving Jewish family residing in the city of New Haven," was upheld because a precedent in the case of Protestant families residing in Bridgeport had been established. The duties imposed on the trustees were not onerous. And see *Re* Will of Gussie Greenbaum, in *The New York Times*, January 6, 1904.

1889—Nebraska. Louis Liberman *v.* The State of Nebraska, 26 Nebraska, 464.

Sunday law case.

1889—New York. Riker *v.* Leo, 115 New York, 93.

Sampson Simson bequeathed money in trust by his will to a New York association chartered "for the purpose of ameliorating the condition of the Jews in Jerusalem, Palestine." It was decided that the North American Relief Society for the Indigent Jews in Jerusalem, Palestine, could not take under this bequest; the facts did not establish this society as the particular donee intended by the testator. The gift was held to be void for uncertainty. Reversing, S. P., 1 New York Supplement, 128 (1888).

1889—Virginia. *Ex parte* Marx, 86 Virginia, 40.

Sunday law case.

1892—New York. Riker *v.* Leo, 133 New York, 519.

After the judgment in the first case (see *supra*) the Court of Appeals granted the motion for a new trial. The judge at Special Term of the Supreme Court adopted the opinion in the first case; his judgment was affirmed in the General Term, 60 Hun, 584 (1891). Finally, the Court of Appeals, by a vote of four to three, declared that the new evidence presented at the second trial did not change the legal aspect of the case. The testator intended to give his money to a *benevolent* society for the amelioration of Jewish conditions in Palestine; the North American Relief Society was a *charity* and so could not take under the will. See Myer S. Isaacs, in *Publications American Jewish Historical Society*, No. 10, p. 114 *et seq.*

1893—New York. Leshinsky *v.* Leshinsky, 5 Miscellaneous, 495.

A divorce granted by a Jewish rabbi in Russia to persons domiciled there will be recognized everywhere as valid. But the court intimated that a rabbinical divorce, given in New York, is invalid and conflicts with Section 376 of the Penal Code (marriage unlawfully solemnized).

1896—New York. *In re* Agudath Hakehiloth, 42 New York Supplement, 985.

Religious corporation having its corporate meeting on a Sunday will not be empowered by law to do business.

1897—New York. Bernard F. Martin, Appellant, *v.* David Goldstein, Respondent, 20 Appellate Division, 203.

The inadvertent service of a summons upon a Jew on Saturday is no misdemeanor; the process is valid. The service, to be invalid, must have been effected maliciously; malice must be proved and cannot be presumed. Reversing, S. P., 39 New York Supplement, 254 (1896).

New York Penal Code, § 271. Serving process maliciously on Saturday on Sabbatarians, and see Calender for cases hereunder.

"Remedy for maliciously serving process.—Whoever maliciously

procures any process in a civil action to be served on Saturday, upon any person who keeps Saturday as holy time, and does not labor on that day, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor."

1898—New York. Kurzman *et al., v.* Lowy *et al.,* 23 Miscellaneous, 380.

Charitable bequests in trust to the burgomaster of Berlin for scholarships in the Latin School in aid of such, preferably Jewish, students as he and the instructors deemed worthy, upheld.

1899—New York. Simon Davis *v.* Congregation Beth Tephila Israel, 40 Appellate Division, 424.

An agreement written in the Hebrew language was interpreted and judicially construed by the court in this case.

1901—Pennsylvania (U. S. District Court). United States *ex rel.* Devine *et al., v.* Rodgers, 109 Federal, 886.

A marriage by a Russian Jew in Russia with his niece, though lawful in Russia, will not be recognized as valid in Pennsylvania, because it comes within the exception to the general rule (by which a marriage which is lawful where contracted, is lawful everywhere). In this case the marriage is incestuous by Pennsylvania law, and so against public policy, and no court in Pennsylvania will be bound to recognize it as valid even by rules of comity. Where a naturalized citizen of the United States was married in Russia, but the marriage, though valid there, was illegal in the United States, his alleged wife and their child, who are likely to become public charges, are properly ordered to be deported on their arrival at a port in the United States. In New York, before 1893, and in Rhode Island, an uncle may lawfully marry his niece, *In re* Albert Williams, M. D., 2 City Court Reports (N. Y.), 143 (1885). For the present New York doctrine, see *The Globe and Commercial Advertiser*, November 1, 1904, remarks by Goff, *R.* And see the discussion of a Maryland case (1903), where the facts were substantially the same, and which concerned Jews, in *Jewish Chronicle*, London, March 18, 1904, page 26 b. I may add that, while under the existing United States immigration laws, Jews *qua* Jews are not discriminated against, changes should be made in these statutes. To temper justice with mercy and to simplify the procedure before the boards of special inquiry

are points of reform worth considering. See "The Problem of Alien Immigration," in *Jewish Comment*, February 6, 1903; *cp.* "Louis Marshall, Esq., on American Intervention in the Kischineff Episode," in *ibid.*, June 5, 1903.

1902—New York. Matter of Bauer, 68 Appellate Division, 212.

A body may be disinterred from a grave in a Jewish cemetery by any person who is not a member of an organization, *e. g.*, the Free Sons of Israel, which expressly forbids it.

1902—New York. In the matter of the Application of Howard Cohen for the Removal of the Body of Adela Cohen, Deceased, 76 Appellate Division, 401.

The New York statute authorizing the removal of a body from a grave in a cemetery on the consent of the Supreme Court, where the petitioner fails to obtain the consent of the cemetery authorities, the owner of the lot, and the relatives of the decedent was held not to apply to a cemetery belonging to a religious (*i. e.*, in which individual interments were the rule) or a municipal corporation. See "Jewish Burial Case in New York Courts," in *Jewish Comment*, August 26, 1904, by the present writer.

1902—Ohio. Strauss *v.* Village of Conneaut, 23 Ohio Cir. Ct., 320.

Sunday law case. Sound on principles and directly *contra* to Shreveport *v.* Levy, *supra.*

1903—Illinois. *Re* Graber. *The New York Times,* September 23, 1903.

The Illinois circuit court declared that a rabbinical divorce, granted in Russia to parties having their legal residence there, is valid.

1903—Nebraska. The State of Nebraska *ex rel.* Daniel Freeman *v.* Board of School District No. 21. *The New York Times,* November 21, 1903.

A peremptory writ of mandamus granted to uphold a decision that religious exercises, including the reading of the Bible, are not permissible in district schools.

1903—New York. Howard Cohen *et al., v.* Congregation Shearith Israel in the City of New York, 85 Appellate Division, 65.

Dictum: a body may be disinterred from a grave in a Jewish cemetery.

1903—Pennsylvania. Congregation Shaarai Shomayim *v.* Moss, 22 Pennsylvania Superior Court, 356.

The Hebrew congregation of Lancaster, Pennsylvania, which was incorporated in 1856, but which existed as an unincorporated society from 1747 to 1856, has vested in it the beneficial interest in a burying-ground conveyed in 1747 to two trustees, and therefore a good title to convey a certain lot to the defendant for burial purposes. *Publications of American Jewish Historical Society*, No. 9, pp. 42, 43, 44. Although the original society was unincorporated, its existence as cestui que trust was clear and definite; title to the land vested in the association, not in its individual members. The conveyance of the land to trustees and "as a burying ground" was a matter of form, indicative of the use to which it was to be put; it did not create a charitable use.

1903—Texas. Sweeney *v.* Webb, 76 Southwestern, 766; 77 Southwestern, 1135.

Bill of Rights of Texas, Art. I, § 6, forbids any interference with the rights of conscience and matter of religion, or giving any preference by law to any religious society or mode of worship. Revised Statutes of 1895 (title LXIX, art. 3384 *et seq.*) provide for local option elections in counties and political subdivisions thereof, and authorize the prohibition of the sale of intoxicating liquors except for medicinal and sacramental purposes. The Jewish mode of worship, while not requiring any sacraments, requires the use of wine on various occasions; such use has no symbolic meaning and the wine is drunk as a beverage. Held, hence, that the statute is not an unconstitutional discrimination against the Jews in their use of wine in their mode of worship.

1903—Utah. State *v.* Sopher, 60 L. R. A., 468.

Sunday law case.

1904—Massachusetts. Harris B. Gordon and Peter Bernstein *v.* Alice Hardy. *The Sun,* New York, November 2, 1904, p. 4.

Suit to compel the teacher of a dancing class to enroll plaintiffs'

daughters as pupils. It was contended that enrollment was refused on account of the faith of the girls. Decision unreported.

1904—Massachusetts. Commonwealth *v.* Simon Alexander, 185 Massachusetts, 551.

Defendant, chairman of a committee arranging a vaudeville entertainment held on a Sunday, the surplus proceeds of which inured to the use of the Congregation Beth Israel of Cambridge, came clearly within the exception to the State Sunday statute (Revised Laws, ch. 98, § 2), and his conviction was reversed. See also two recent decisions by Mr. Justice Gaynor, of the New York Supreme Court, People *ex rel.* Poole *v.* Hesterberg, 43 Miscellaneous, 510 (1904); People *v.* Poole *et al.*, 89 New York Supplement, 773 (1904).

1904—New Jersey. Anonymous. *The American Hebrew,* March 4, 1904, p. 501a.

Plaintiff sued defendant for breach of contract. Defendant declared the contract was entered into on Sunday. Held, that as the parties were Jews and recognized Saturday as the Sabbath, the contract was valid. Judgment for the plaintiff.

1904—New York. The People *v.* Solomon Herman. General Sessions. *The New York Times,* February 2, 1904.

Defendant was found guilty of bigamy and sentenced to the penitentiary for six months. He had married his first wife in Russia, divorced her by means of a rabbinical "get" and immediately married his second wife. The "get" had been granted for a monetary consideration. McMahon, J., said: "Let me say right here, that these Russian rabbis who issue these papers for a monetary consideration, leading ignorant people to believe they have power to grant divorces and give men the right to marry just as many women as the men want to marry—these rabbis are even more to blame than the unfortunates who are duped by them. And if I ever get hold of one of these rabbis I will give him the limit."

1904—New York. Abraham Dessenner *v.* Solomon Greenberg. Inquest in Municipal Court, City of New York; Borough of Manhattan, Fourth District. Unreported.

Plaintiff, a young boy, sued claim of $5 for singing (in synagogue choir) on *Yom Kippur* in the Stanton Street Synagogue to judgment.

THE JEWS IN BOSTON TILL 1875.[1]

By Joseph Lebowich, *Cambridge, Mass.*

It is extremely fortunate for this Society that such a careful and painstaking historiographer as Mr. Leon Hühner should have been the first to plough in the almost virgin field of Jewish history in Massachusetts. Usually the most careful of historians leave some sod in the historical field unturned, thus allowing for those that follow in their wake some opportunity for historical discovery. But so thoroughly has Mr. Hühner done his work[2] that there is little new that I can now add in the history of the Jews in Massachusetts before the nineteenth century. I shall, however, pick up the few crumbs that Mr. Hühner has left.

On June 6, 1716, there arrived in Boston the good ship *Restoration* from London with three merchants on board: Isaac Lopez. Abraham Gotatus and Jacob Ruggles.[3] No direct mention of their being Jews is made. Of Gotatus and Ruggles nothing is known, but Isaac Lopez became a successful merchant in his new-found home. On December 31, 1722, the Selectmen granted Mr. Lopez the liberty to erect a "Timber Building near the Wind Mill."[4] I have been unable to ascertain the date of Mr. Lopez's death, nor the place

[1] I wish to express here my grateful appreciation of assistance and advice, both in preparation of this paper and in other work, so freely and cheerfully given by Mr. Max J. Kohler. I also wish to acknowledge assistance and advice given by Mr. Leon Hühner, and by my friend Dr. Solomon Schindler, in the preparation of this paper.

[2] See *American Jewish Historical Society Publications*, No. 11, p. 75, *et seq.*

[3] *Boston Records*, Vol. 29, p. 234.

[4] *Ibid.*, Vol. 13, p. 108.

where he lies buried. Mr. Lopez was most probably laid to rest in the Jewish cemetery at Newport, but as no trace of any of the interments there prior to 1761 [5] has been found, his tombstone, if he was buried there, must have perished along with his earlier coreligionist, Mr. Frasier, the Unconvertible.[6]

Of Judah Monis, the first regular instructor of Hebrew in Harvard College, enough has already been written, both in the PUBLICATIONS and elsewhere.[7] But nowhere has there been printed the two manuscript letters of Mr. Monis preserved in the Harvard College archives.[8] These letters, more than any thing else, throw a fresh light on this interesting figure. The first letter, dated "June ye 29th, 1720," reads as follows:

Most Reverd Gentlemen

Having made an Essay to facilitate ye Instruction of Youth in ye Hebrew Language, wch probably may be publishe if there may be a prospect of its being serviceable, I make bold to present it, to Your Judicious perusall; I am Sensible not to be Such A master of ye English tongue as to avoide Improprieties in some Expressions, in wch I, must have your excuse, as also your Candour in ye other part of my composure.

Being aproved by such worthier & Learned Gentlemen as your-

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[5] "The Jewish Cemetery at Newport, R. I.," A. P. Mendes, in *Rhode Island Historical Magazine*, Vol. VI, p. 81.

[6] Of this interesting person and his relations with Cotton Mather, see "The Jews in New England," by Leon Hühner in *American Jewish Historical Society Publications*, No. 11, p. 79. Also J. Lebowich in *The Menorah*, January, 1903, p. 3.

[7] The best and most detailed accounts of Mr. Monis are those written by Mr. George Alexander Kohut, which may be found in the *American Journal of Semitic Languages and Literature*, Chicago, July, 1898 (Vol. XIV, pp. 217-226) and October, 1898 (Vol. XV, p. 56, *et seq.*). Also by the same author, "Ezra Stiles and the Jews," New York, 1902, pp. 22, 23, 39, 42, 136, 137. Also an article by Rev. Louis Meyer in the *Jewish Era* (Missionary) for April 15, 1901, p. 49, *et seq.*, and a short account by J. Lebowich in the *Jewish Comment*, August 22, 1902.

[8] Vol. I.

selves, as some of the Best & Learned Gentlemen of the Desenters & of Different Churches have done, it will be gratefull to me, & I, do purpose to draw it over again (If God be pleased) with quotations & In Chaldean Characters & Interim I, remaine Gentlemen Your m't

humble servnt, to Command

Judah Monis.

The second letter is dated May 22, 1722, and reads as follows:

To ye Revd President & ye other Revd members of the Corporation of Harvard College,

Revernd Gentlemen

I have been Informed of the Honour you have put upon me, in chusing me to be a teacher of the Hebrew Language in your College. The respect you have shown to me in this choice, I heartily & Thankfully acknowledge, & I hope you will Interpret these Lines as Testimonies of my Gratitude. Tho, I Believe I Could betake myselfe to such secular Business as by ordinary blessing of Providence would promote my worldly Interest & estate, More than wt I can expect by Instructing Youth in ye Hebrew Yet I find myselfe steadily inclined & Willing to spend my time (If Providence favors my Design) in Giving the best instructions I can in ye aforesaid Language. To all such member of the College, as shall be desirous to Learn of me. I think the More aquainted ye Ministers of the Gospel are wth the Hebrew tongue, and so wth the Old Testament, the Better able they will be understand the New Testament & so to preach our Glorious *Lord Jesus Christ* who was spoken of by all the Old Testament Prophets. But however necessary I may apprehend the knowledge of the Hebrew Language to be, & however willing & disposed I may be to teach it, yet Revd Gentlemen I, hope, you will give me leave to say, that the salary you have voted as an Encouragement or Reward for my Labour is not sufficient to support me, It is not sufficient to sustain me in my single state, much Less if I thought to enter into a married state (wch I have some hope of doing) If I should speadily enter on ye service you have chosen me to, (the) necessary furniture for a Chamber in College Can't Cost me much Less than thirty five Pounds, But if I had such furniture by me already (wch certainly I have not) yet the salary you have voted would not suffice to support me through the year I hope Gentlemen you will Candidly Interpret this representation of my case, & if you Continue to Desire of my being an In-

structor in ye Hebrew in your College, I hope you will please to think of some method whereby a proper support & Maintainance may be afforded to me, & I shall count myself greatly obliged if you will let me know your minds in this matter as soon as you conveniently Can.

I am Revnd Gentlemen wth Great Gratitude and Respect,
one of Your
humble
servants
Judah Monis.

Comment on these two letters is unnecessary. Suffice it to say that the "Convertible" Mr. Monis received the ardently-asked-for raise in his salary, but not until a year after the above fervid appeal.

Mr. Simon Wolf, in his excellent work on "The American Jew,"[9] mentions two Israelites who served in Massachusetts regiments during the Revolutionary War. Samuel Benjamin, the first one mentioned by Mr. Wolf, is included among fifty-six other Benjamins, some with even more pronounced Jewish "Christian" names than Samuel, in the first volume of "Massachusetts Soldiers and Sailors of the Revolutionary War."[10] The Jewish identity of Joseph Sampson, the other Jew mentioned by Mr. Wolf, like that of Benjamin, seems to rest on rather unsafe ground.

Just before the outbreak of the War for Independence, there came to Boston from the Jewish settlement at Newport, Mr. Moses Michael Hays. Hays was born in Lisbon in 1739.[11] He came to Newport by the way of Jamaica in 1768.[12] Here he became one of the important members of that prosperous Jewish community. His sister Reyna married Isaac Touro, the rabbi of the Congregation Yeshuat Israel at Newport. The

[9] Simon Wolf, "The American Jew as a Patriot, Soldier, and Citizen," Philadelphia, 1895, p. 52.

[10] pp. 938-943.

[11] G. C. Mason, "Reminiscences of Newport," p. 62.

[12] "Biographical Sketch of Moses Michael Hays," by Sereno D. Nickerson in the *New England Freemason*, Vol. XI, p. 71.

exact date of Mr. Hays' arrival in Boston can not be fixed with certainty. The statement by Mr. Hühner that Hays "lived in Boston years before the struggle (Revolution)[13] is undoubtedly wrong. Judge Daly places his removal to Boston after the breaking out of the War for Independence,[14] and, as near as I have been able to ascertain, it was some time in the year 1776. Hays took with him his wife and children, his widowed sister Reyna Touro, and her two infant boys, Judah and Abraham. Just after his arrival in Boston his daughter Catherine was born.[15] Hays entered the insurance business, with an office at 68 State Street, while his residence was situated on lower Middle (now Hanover) Street, at present in the very heart of business life, but at the beginning of the nineteenth century the fashionable district of the town. Here the young Touros, and Hays' five daughters, Rebecca, Catherine, Slowey, Judith and Sally, and his only son, Judah, were brought up in luxury, for Hays was one of the wealthy citizens of the city. Hays took a prominent position among the Masonic fraternities,[16] becoming Grand Master on June 6, 1788.

The two brothers Touro, when old enough, were launched on their successful business careers by their indulgent uncle. But Judah, the elder of the two, left Boston for New Orleans in 1803, there to embark upon a career which makes him one of the most important and interesting figures in all American Jewish history. Abraham, the younger brother, remained in Boston with his uncle, became a successful business man, and, for those days, left a considerable fortune, much of it to

[13] "The Jews in New England prior to 1800," *American Jewish Historical Society Publications*, No. 11, p. 83.

[14] Charles P. Daly, "The Jews in America," p. 83.

[15] *Rhode Island Historical Magazine*, Vol. VI, p. 99.

[16] A wealth of detail of the Masonic activities of Mr. Hays is given by Sereno D. Nickerson in *The New England Freemason*, Vol. XI (1875), pp. 71-81, 117-127, 145-152. An excerpt of this valuable article is given in *The New Era*, October, 1902.

charity.[17] While reviewing a parade in Boston he was thrown from his chaise and received fractures from which he died, October 18, 1822.[18] The inscription on his tombstone in the Newport Cemetery reads as follows:

ERECTED
TO THE MEMORY OF
ABRAHAM TOURO
OF BOSTON.
SON OF ISAAC AND REYNA TOURO
WHO WAS SUDDENLY TAKEN FROM HIS TRANSITORY
STATE IN THE 48TH YEAR OF A USEFUL AND HAPPY LIFE,
DEEPLY LAMENTED BY HIS AFFLICTED RELATIVES
AND INNUMERABLE FRIENDS,
DISTINGUISHED AND ESTEEMED IN THOSE VIRTUES
AND GOOD QUALITIES WHICH EXALT THE
CHARACTER OF A MAN,
HE WAS INTERRED IN THIS PLACE BY HIS OWN DESIRE
ON THE 20TH OF SEPTEMBER,
1822.[19]

His mother Reyna also lies buried in the same cemetery as her son. The inscription on her burial stone tells nearly all we know of the wife of Rabbi Isaac Touro. It reads:

BENEATH ARE DEPOSITED
THE REMAINS OF
MRS. REYNA,
THE WORTHY RELICT OF
REV. ISAAC TOURO,
WHO DIED AT BOSTON ON THE
14TH OF TISHRI A. M. 5548

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[17] Among his bequests were the following: A fund of $10,000 to support the Synagogue at Newport; $5,000 for the care of the Newport Cemetery; $10,000 to the Massachusetts General Hospital; $5,000 to the Boston Female Asylum; $5,000 to the Asylum for Indigent Boys; $5,000 to the Humane Society, and $10,000 to a Synagogue in New York City.

[18] Not December as is erroneously stated by me in *The Menorah*, June, 1903, p. 3.

[19] *Rhode Island Historical Magazine*, Vol. VI, pp. 101, 102.

AND THE 28TH OF SEPTEMBER, 1787
Æ 44 YEARS.
THE MEMORY OF THE JUST
IS BLESSED.[20]

Moses M. Hays, her brother, died in 1805. His tombstone inscription runs in Hebrew:

"The exalted Moses Michael, son of Judah, liberated for Paradise on Friday, the 11th day of Iyar, 5565, and the days of his life were sixty-six years. The memory of the just is blessed. May his soul lie bound in the bands of life."

Then in English:

HERE
REPOSES THE ASHES OF MOSES MICHAEL HAYS, ESQUIRE,
WHO DIED IN BOSTON,
IN THE STATE OF MASSACHUSETTS,
ON THE 11TH DAY OF IYAR[21]
A. M. 5565,
THE 9TH DAY OF MAY, 1805, OF THE CHRISTIAN ERA,
AGED LXVI YEARS.[22]

His wife, Rachel, followed him five years after. The English on her tombstone reads:

THE REMAINS
OF
MRS. RACHEL HAYS,
RELICT OF MOSES M. HAYS, ESQ.,
WERE CONVEYED FROM BOSTON,
AND INTERRED HERE.
SHE DIED ON SATURDAY, THE FIRST DAY OF TISHRI[23]
A. M. 5571,
CORRESPONDING TO THE 29TH OF SEPT'R., 1810,
OF THE CHRISTIAN ERA.
AGED 72 YEARS.[24]

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[20] Ibid., pp. 99, 100.

[21] This word is in Hebrew characters.

[22] *Rhode Island Historical Magazine*, Vol. VI, p. 96.

[23] This word is in Hebrew characters.

[24] *Rhode Island Historical Magazine*, Vol. VI, p. 97.

After the death of their parents, the Hays children left Boston, where they were well known and highly respected. An interesting glimpse into the home life of the Hays is given in the "Life of Samuel J. May," [25] which is so entertaining that it is given in full:

If the children of my day were taught among other foolish things, to dread, if not despise, Jews, a very different lesson was impressed upon my young heart. There was but one family of the despised children of the house of Israel resident in Boston, the family of Moses Michael Hays; a man much respected, not only on account of his large wealth, but for his many personal virtues and the high culture and great excellence of his wife, his son Judah, and his daughters especially Catherine and Slowey. His home far down on Hanover street, then one of the fashionable streets of the town, was the abode of hospitality, and his family moved in what were the first circles of society. He and his truly good wife were hospitable, not only to the rich alone, but also to the poor. Many indigent families were fed pretty regularly from his table. These would come especially after his frequent dinner parties, and were sure to be made welcome, not to the crumbs only, but to ampler portions of the food that might be left.

Always, on Saturday, he expected a number of friends to dine with him. A full-length table was always spread and loaded with the luxuries of the season, and he loved to sit surrounded by a few regular visitors and others especially invited. My father was a favorite guest. He was regarded by Mr. Hays and his whole family as a particular friend, their chosen counsellor in times of perplexity, and their comforter in the days of their affliction. My father seldom failed to dine at Mr. Hays on Saturday, and often took me with him; for he was sure I should meet refined company there.

Both uncle and aunt Hays (for so I called them) were fond of children, particularly of me; and I was permitted to stay with them several days and even weeks, together, and I can never forget, not merely their kind, but their conscientious care of me. I was the child of Christian parents and they took especial pains that I should lose nothing of my religious training so long as I was permitted to abide with them. Every night I was required, on going to bed, to repeat my Christian hymn and prayer with

[25] pp. 13, 14.

them, or else to an excellent Christian servant woman who lived with them many years. I witnessed their religious exercises, their fastings and prayers, and was made to feel that they worshiped the Unseen Almighty and All-merciful One. Of course, I grew up without any prejudice against the Jews, or any other religionists, because they did not believe as my father and mother believed.

Much research has failed to find any other distinctly Jewish family in Boston during the time that the Hays and the Touros resided there, so the statement of the Rev. May that the family of Moses Michael Hays was the only Jewish home-circle in Boston at that time must be taken as true. There is, however, on a tombstone [26] in Newport Cemetery, the mention of the death in Boston in the year 5580 (1820) of "Fegla, wife of Mordecai, son of Elchanan," [27] but it continues to explain that she was the "Relict of Mr. Marcus Elkan, late of Richmond, Virginia, who in the 60th year of her age departed this life at Boston on the 1st May, 1820." This would lead us to believe that Mrs. Elkan died while on a visit to Mr. Abraham Touro.

Of the five daughters of Moses M. Hays, Rebecca died unmarried in Boston on July 23d, 1802, aged thirty-three years.[28] Slowey and Catherine both died unmarried in Richmond, Va., the latter reaching the age of seventy-seven years.[29] The remaining two, Judith and Sally, were both married in Richmond, Va., to gentlemen by the name of Myers. Judah, the only son, who inherited the greater part of his father's wealth, died on May 1st, 1832, and was laid to rest in the cemetery that contained the remains of his parents and sisters. With the death of the only son of Moses Michael Hays there came to an end the small but important Jewish community which made Boston their home for nearly a half century.

[26] *Rhode Island Historical Magazine*, Vol. VI, p. 101.
[27] This is in Hebrew.
[28] *Rhode Island Historical Magazine*, Vol. VI, p. 96.
[29] *Ibid.*, p. 99.

After the death of the younger Hays there was not, to my knowledge, any resident members of the Jewish faith in Boston until the beginning of the German emigration in the early forties.

It was in 1842 when the first contingent of German Jews settled in Boston. Just which one was the first to arrive cannot be stated with certainty, since Mr. Jacob Norton and William Goldsmith, both now dead, claimed the distinction. But both must have come about the same time, for each conceded that the other arrived but a few days later than he had.[30] They were quickly followed by others, so that in September, 1842, the New Year's Festival was ushered in with services in the home of Mr. Peter Spitz, on Fort Hill, Roxbury. Beside Mr. Spitz there were William Goldsmith, Moses Ehrlich, Hyman Spitz, Bernard Fox, Charles Hyneman, Jacob Norton, Isaac Wolf and Abraham F. Block.[31] To complete the necessary ten required for the service, Dr. Rosenstein, of Worcester, Massachusetts, was brought to Boston.[32] On May 24, 1843, while celebrating the circumcision of Mr. Peter Spitz's first son, the first child to arrive among the new community, the Jewish residents of Boston resolved to form a congregation. Moses Ehrlich was elected its first president, and a Mr. Salig, who had formerly performed a similar office in Albany, was selected to conduct divine services for the new-born House of the Lord. Prayers of the new congregation, named "Ohabei Shalom," were conducted in a room in the house of the new rabbi, on Carver street. Soon after, the room of worship was transferred to a house on Albany Street,

[30] Solomon Schindler, "Israelites in Boston, A Tale Describing the Development of Judaism in Boston." The best account of the period from 1840 to 1890.

[31] *Boston Daily Herald*, August 9, 1903, also in "The History of Temple Ohabei Shalom" by S. Simmons.

[32] This information was kindly supplied by Mr. Isaac Rosnosky and others.

near Kneeland Street. About the same time[33] a cemetery was laid out on a tract of 10,000 square feet purchased from the East Boston Land Company. The small square was situated at the corner of Byron and Homer Streets on Noodle Island, or East Boston. The sum paid for this tract of land was $200. The cemetery was formally created by the vote of the Board of Aldermen of Boston on October 5, 1844. Thus the first Jewish burial ground was established in Boston. In 1845 the Congregation "Ohabei Shálom" was granted a charter by the Massachusetts Legislature. Six years later, 1851, the congregation built a small frame building for itself on Warrenton (then known as Warren) Street. This was the first out-and-out synagogue in Massachusetts.

Things went on smoothly for a while. The Synagogue prospered as the Jewish community in Boston increased. But this influx soon brought with it the inevitable dissension which is bound to arise on questions of dogma and ceremonialism in a large Jewish community. The upshot of it all was that those who wished to change the old Orthodox rites stepped down and out and formed themselves into the Congregation "Adath Israel." It leased a house on Pleasant Street and bought a burial ground of its own in Wakefield. Joseph Schoninger was elected its first regular rabbi, and served for twenty years, when he was succeeded in 1874 by Rabbi Solomon Schindler, now the superintendent of the Leopold Morse Home at Mattapan. The Reform in the Synagogue begun by Rabbi Schoninger was greatly extended by Rabbi Schindler. To-day the Temple Adath Israel is the only strictly Reform synagogue in Massachusetts.

The parent body, "Ohabei Shalom," despite the "secession," grew larger until they outgrew the small wooden place which they had built, and in 1862 they moved into the place of worship formerly occupied by the Fifth Universalist Society.

[33] On July 25, 1844, ("A Topographical and Historical Description of Boston" by Nathanial B. Shurtleff, Boston, 1871).

This new Synagogue was also on Warrenton Street. Their present temple is on Union Park Street.

By 1856 the Jewish residents had increased, making necessary the erection of a third Synagogue. The Congregation "Mishkan Israel" was formed, but its existence was rather precarious until 1870, when it purchased a place of worship on Ash Street. By 1875 several other congregations and smaller groups of worshipers were formed, all of the Orthodox type.

From the first comers in 1842 until 1875, the Jews in Boston were too busy with clearing away the ground for a permanent commercial and social growth to enter into the political or artistic life of the city. But in 1872, Mr. Leopold Morse, without the usual preliminary political apprenticeship, was nominated for Congress by the Democrats in a strong Republican district. He was defeated; in 1874 he was again nominated and again defeated; but in 1876 he was elected by a majority of 1200 votes, thus beginning a political career "without a parallel in New England public affairs."[34] But by 1875 the Jews in Boston, numbering several thousand, were firmly intrenched in their new home, the preliminary work of taking root among a new people was successful, and from that time until to-day the Jews have constantly increased both in number and in influence, taking their part not only in the commercial, but in the social, artistic and literary life of Boston.

[34] "Massachusetts of To-day," Boston, 1892, p. 134. For a full account of the life of Morse, see my pamphlet "Leopold Morse."

A HISTORY OF THE JEWS OF MOBILE.

By Rev. Alfred G. Moses, *Mobile, Ala.*

The researches which I have made thus far into the history of the Jews of the Gulf States deal with the history of the Jews of Mobile. This portion of my work was written after a careful and thorough overhauling of all available sources, and has been presented in another form to the Iberville Historical Society of Mobile and to the State Department of Alabama History, both of which have co-operated in these studies. Such parts as may be hereafter written will be presented to your society. In addition to separate local and State histories, I propose to write a new biography of Judah P. Benjamin. I shall be grateful to any member of the Society who can furnish me information on the subject of Mr. Benjamin's life.

The history of the Jews of Mobile can be divided into two parts or periods. The first may be called the preorganization and the second the organization period. The first period is the history of individual Jews who sojourned or settled in Mobile but who made no effort to organize a Jewish congregation either from indifference or lack of numbers. The second period commences with the organization of a distinct Jewish congregation and the beginnings of Jewish life, religious and social.

The first period in the Jewish history of Mobile extends through several decades after the territory came into the possession of the United States. From the year 1724 when the first reference is found to Jews in Mobile and Louisiana till the year 1841, when the Jewish congregation was organized, the history of the Mobile Jews is largely a history of individuals. In order to discover the traces of Jews during the colonial and early federal periods I made a careful

examination of all the sources according to the various epochs in the general history of the city.

Mobile was settled in 1701 by the French under Le Moyne de Bienville and Le Moyne d'Iberville and made the first capital of Louisiana. The principal source of the Colony's early history is the record of births, christenings, marriages and burials which was kept by the priests of the Mobile diocese from 1701 till 1813. However, no data bearing on my subject could be found in these records. The first distinct reference to Jews in the Louisiana colony in which Mobile was included is found in the "Black Code of Louisiana," issued in 1724 by Bienville, the governor of the colony from New Orleans, its capital at that time. The Code is reprinted in full in Gayarre's "History of Louisiana."[1] The first two articles of the code read as follows: "Article I: Decrees the expulsion of the Jews from the colony. Article II: Permits the exercise of the Roman Catholic worship only. Every other code of worship is prohibited." Strange to say, the rest of the code deals with laws regulating the sale and conduct of negro slaves. Gayarre finds the reference to the Jews irrelevant to the general subject-matter of the code. My own explanation of the anti-Jewish laws, which is supported by a good authority,[2] is that they were merely a repetition of the similar legislation current in France at the time of Louis XIV. Drastic as the law appears, it was probably never enforced, because there are no further references to it in Louisiana records. The expulsion of the Jews from America would have been in the sixteenth century an event worthy of the chronicler's notice. The inference can rightly be drawn, also, that there was a considerable number of Jews in the French colony and possibly a few in Mobile. However, a careful scrutiny of all the

[1] Gayarre's "History of Louisiana in French Dominion," New Orleans, 1885, Appendix.

[2] Hamilton, "Colonial Mobile," Boston and New York, 1898, p. 362.

names mentioned by Gayarre and Hamilton, the authorities on colonial Gulf history, has not revealed any name of a Jewish character in the period of French control of lower Alabama.

In the British epoch of Mobile's colonial history, which extended from 1763 to 1780, an interesting reference to a Jew is citable.[3] Major Robert Farmer, the British commandant of Mobile, was accused, among other charges, of selling flour belonging to the King to New Orleans, or selling or attempting to sell it there by means of "Pallachio, a Jew." The Major was afterwards acquitted of the charges.

In Hamilton's "Colonial Mobile" a certain François Simon is mentioned in a law suit as companion of a certain François Robert, who in 1766 was advanced goods by Thomas Durnford, of New Orleans, but "who left the country and went to trade among the Indians."[4] The name Simon is Jewish, and the particular Simon may have been a Jew, because in the eighteenth century many Jews were trappers and traders in the country west of the Appalachian ranges. The matter could not be traced further.

In the British epoch of Mobile history there occurs the first indisputable reference to probably the first Jewish merchants in Mobile.[5] The document in which the reference occurs is dated August 10th, 1777. It is an original sealed deed-poll on genuine parchment, by Arthur Strother, one of the Masters in Chancery of West Florida. In it he conveys to Daniel Ward, Esq., the plantations of Lis Loy, Goose Island, near Mobile. The instrument gives the history of the property from French through English times. It was originally held by the Chevalier de Montaut de Montberault, who obtained it from the Governor Kerlerec. He, with one Fontenot, sold it on July 9th to Samuel Israel, Alexander Solomons and Joseph

[3] Douglas Brymer, "Report on Canadian Archives," Ottawa, 1888, cited by Hamilton, "Colonial Mobile," pp. 196 and 202.

[4] Hamilton, "Colonial Mobile," p. 203.

[5] *Mobile Probate Court Records*, cited and discussed also by Hamilton, "Colonial Mobile," p. 235.

Depalocios, "merchants and co-partners at Mobile." They were indebted to a merchant in Pensacola, by name Thompson, and mortgaged to him the Lis Loy plantation. The debt was not paid and, by the terms of a bill of foreclosure, the property was sold to the above mentioned Daniel Ward. There is not the slightest doubt that the defendants were Jewish merchants.

The records of the Spanish period of Mobile colonial history, which extended from 1781 to 1813, do not reveal any references to Jews. If there were any here during this epoch, they have left no positive traces.

The American period of Mobile history began in 1813. The chief sources for the early decades of the federal history are the files of the newspapers dating from 1821, and the records of deeds, marriages, wills and divorces. An examination of these sources revealed the names of many Jews who settled or stopped in Mobile during the early part of the nineteenth century. Many of these became later identified with the Jewish congregation, but, as has been true of the beginnings of Jewish communities the world over, many Jews drifted away from Jewish associations or intermarried from necessity. Some of these became the ancestors of prominent Christian families in Mobile and the South.

In the earliest files of the *Register* the names of Jews are frequently found. A Mr. H. P. Fleischman was secretary of the Mobile Masonic Lodge in 1821.[6] Solomon H. Davy[7] (probably misspelled for David) and a Mr. Jacobs[8] are referred to in a list of uncalled-for letters at the Post Office. One of the earliest schools in Alabama was conducted by a Jewish teacher, a Mr. Judah, who was doubtless a Sephardic Jew.[9] The name of Simon David is included in the list of

[6] *Mobile Commercial Register*, December 31, 1821.

[7] *Ibid.*, December 31, 1821.

[8] *Ibid.*, July 8, 1822.

[9] *Ibid.*, October 3, 1822.

delinquents in 1823.[10] In 1823 an English Jew by name of George Davis advertised frequently in the local press. It seems that he had moved to Mobile from Tuscaloosa, for he wished to exchange suitable property in the latter town for property in Mobile.[11] In 1824 he became a resident of Mobile and lived here until his death in 1850 at the age of seventy. His tombstone is found in the old Jewish cemetery of Mobile.[12] He engaged in various kinds of business and was the first auctioneer in Mobile.[13] His son was also engaged in business in Mobile in the 20's and 30's, and in 1837 was married to Roseanna Dunn.[14] The wife of George Davis, Rosetta Davis, who was born in London, is also buried in the old Jewish graveyard. A Mr. Abraham Zuba is mentioned in the files of 1824 of the *Mobile Register*.[15] In 1824 there settled in Mobile a Jewish physician by name of Dr. Solomon Mordecai, who became a leader in his profession and a popular character.[16] He did not affiliate religiously or socially with the Jews, but his Jewish antecedents were never denied. He conducted a successful practice till late in the 50's. His family, who are all Christians, are still living in Mobile. Two brothers, Isaac and Henry Lazarus, conducted business in Mobile as early as 1827. They were Sephardic Jews from Philadelphia, where they returned in later years and ended their days. From a deed in the Probate Court it appears that they bought and sold real estate in Mobile, either directly or by agent, to John Moss, who was a leading shipowner of Philadelphia, early in the nineteenth century.[17]

[10] *Ibid.*, September 18, 1823.

[11] *Ibid.*, November 1, 1823.

[12] Vide, List of names and inscriptions in old Jewish burial ground, prepared by Alfred G. Moses in MS. form.

[13] *Mobile Commercial Register*, November 30, 1824 and December 12, 1827.

[14] Marriage records, Mobile county, in Probate Court room.

[15] *Mobile Commercial Register*, October 3, 1824.

[16] *Mobile Commercial Register*, March 3, 1824.

[17] Marken's "Hebrews in America," 1888, New York City, p. 75.

The marriage records of Mobile contain frequent references to Jews before the year 1841, when the congregation was organized. A James B. Marks was married in 1830; Cuffman Oppenheimer in 1831; George Davis, Jr., in 1837; Isaac B. Davis, Mungo H. Goldsmith and Philip Goldsmith in 1841. All of them intermarried with Christians.[18] The first strictly Jewish marriage in Mobile was solemnized in 1847 between Henry Frohlichstein and Sarah Leib.[19]

The deeds of sales of conveyance of property issued in the 20's, 30's and 40's in the names of Jews are too numerous to be mentioned. The oldest bears the name of Isaac Lazarus, Grantor, in 1820.[20] C. L. Andrews, Solomon Andrews, Isaac Davis, George Davis, Isaac Isaacs, Solomon Jones, Henry Lazarus, Isaac Lyon, Dr. S. Mordecai, Benjamin Newhouse and Simon Oppenheimers are names frequently occurring. Early in the 30's the Andrews brothers, E. L., J. I. and Solomon, occupied a prominent place in the commercial world. There are more than forty deeds recorded in the name of the first mentioned. Success seems to have attended them throughout the 30's, but in the early and late 40's they met with reverses, and from humiliation, E. L. and Solomon Andrews committed suicide in a tragical manner by prearrangement, one in New Orleans and one in Mobile, at exactly the same time. The Solomon brothers were prominent in the late 30's. In 1841 Mr. E. Solomon was a member of a committee appointed by the Whig party to notify the candidates of their nomination.[21] The Jones brothers, Isaac S. and Solomon, who in later years became the leaders in Jewish affairs, settled in Mobile not later than 1831 from England.[22] In 1841 a Mr. B. J. Newhouse conducted what

[18] *Marriage Records of Mobile County*, alphabetically indexed.

[19] *Ibid.*

[20] *Probate Court Records*, D. 38.

[21] *Mobile Commercial Register*, June 16, 1841.

[22] *Probate Court Records*, F. 468.

was ostentatiously advertised as a "Music Saloon" on Water Street.

In 1834 there came to Mobile a Jew who was to hold higher honors in his adopted State than any other of his people.[23] Philip Philipps was born in Charleston, S. C., in 1807, of German Jewish parents. He read law under the famous John Gadsden and was admitted to the bar at the age of twenty-two. His legal and political talent was soon shown, for he was the youngest member of the famous nullification convention of 1834. In the same year he was elected to the Legislature, but resigned and settled in Mobile. Here he came at once to the front as a lawyer, and in 1844 was elected to the Legislature. In the following year he composed his famous digest of the decisions of the Supreme Court. In 1846 he was elected to the first judgeship of the newly formed Criminal Court, but declined the honor. In 1851 he was again returned to the Legislature, and in 1853 achieved a notable triumph over the Hon. Elihu Lockwood in the race for Congress. After serving in Congress, where he made a national reputation, he remained in Washington to practice law. Through his efforts the Court of Claims was established in 1859. Although opposed to secession, Mr. Philipps and his family were compelled to go within the Confederate lines in 1861. While in New Orleans, Mrs. Philipps was imprisoned for three months by General Butler for an alleged insult at the passing of the funeral of a Federal officer. After her release she was received as a heroine. After the war Mr. Philipps returned to Washington, where he wrote a work on "Statutory Jurisdiction and Practice" of the United States Supreme Court. He died there, honored for his erudition and character.[24]

The gradual increase of the Jewish population of Mobile

[23] Brewer, "Alabama; Its History, Resources, etc.," Montgomery, 1872, p. 406.

[24] From personal recollections of many Mobilians.

during the early 40's led to the organization of a Jewish congregation. The first notice of it is in a deed recorded in the Probate Court, in which the Congregation "Shaarai Shomayim" purchased from the city four lots for burial purposes. The deed is dated June 22nd, 1841.[25] Religious services were held first at the residence of a Mr. B. L. Tim. Not until June 25th, 1844, was the congregation duly incorporated.[26] It was called "Shaarai Shomayim," or "the Congregation of the Gates of Heaven" and "Friends of the the Needy." The first president was Mr. I. I. Jones, who held the position for more than thirty years, and came to occupy a prominent place in Jewish and general affairs. He was a man of mental and moral superiority, and exerted a strong influence for good upon the Jewish community of Mobile for three decades. He was a member of the City Council and the first promoter of a street railway in Mobile. His youngest daughter became the wife of the well-known Rabbi James K. Gutheim, of New Orleans.

No regular rabbi was employed at first, services being read by laymen. The first synagogue was the Turner Verein Hall on St. Emanuel Street. The structure is no longer in existence. It was dedicated on December 27th, 1846. The first rabbi was the Reverend Mendez da Silva, who served until 1848. Unfortunately, the congregation records till 1876 have been lost, and a consecutive history had to be gathered from personal reminiscences and a few newspaper records. The data being fragmentary, a complete history of the growth and progress of the congregation cannot be presented. The portion which begins with the early 60's is easier to compile, for many persons are living who have a clear and connected knowledge of those years.

As has been stated, provision was made for burial purposes as early as 1841. Michael Lyons was the first Jew buried in this old graveyard, abandoned in 1878, when it was completely

[25] *Probate Court Records.*
[26] *Probate Court Records*, 10, 296-7.

filled with graves, close to one another.[27] The frequency of tombs bearing the dates of 1853, 1857 and 1870 are melancholy reminders of the yellow fever plagues of those years which decimated the Southern communities. In the center of the plot, an imposing monument is erected over the remains of Rabbi Abraham Laser, who died in 1870 of yellow fever, which he contracted while attending the sick and the dying.

The following facts about the early Jews of Mobile are of interest and value: The first long-distance conveyance in Mobile was conducted by the Heller brothers. Mr. Abraham Newburger and Prof. Joseph Bloch were among the first teachers of music in Alabama. They later conducted the first music store in the State. A Mr. Solomon was the pioneer optician of Alabama.

The Rev. Mendes da Silva was succeeded by Mr. Baruch M. Emanuel, who acted as schochet and chasan of the community from 1848 to 1853. In the meantime the Jewish community had grown so large that the old synagogue was found inadequate. With his usual progressiveness, Mr. I. I. Jones purchased from the Mobile Musical Association its hall, located on the present site of the synagogue. The building was altered and dedicated on March 11th, 1853, by Rabbi Julius Eckman, who was the successor of Mr. Emanuel. I have learned that Mr. Eckman was a rabbi of thorough Hebrew and general education. He remained only a year in Mobile and then went to California. It would be interesting to reproduce in full the comments passed by the *Mobile Register* of that date upon the dedication exercises if the limits of this sketch did not forbid.[28] This excerpt reflects the journalistic attitude of the early day towards the Jew: "The synagogue is worthy in all respects the high character of our Jewish brethren for wealth, intelligence and character. How proud must the enfranchised descendants of the patriarchs have felt yesterday who were

[27] List of Names and Inscriptions of old Mobile burial ground prepared in MSS. by Alfred G. Moses.

[28] *Mobile Commercial Register*, November 12, 1853.

some time since the slaves and serfs of Russia, Austria and Prussia. Poor Poland."

The correct facts in the history of the congregation from 1853 to 1865 are hard to ascertain. There are many conflicting impressions of this period. The succession of rabbis is hard to determine. According to one old resident the congregation was presided over for several years by a Mr. J. Epstein, who also officiated for a while for a second congregation which seceded from the mother body. Still another person claims that the Mr. Emanuel who had served before Rabbi Eckman also officiated during the 50's. In a Mobile history, however, I find the name of Rev. Dr. Schatz, M. D., as the officiating rabbi who had been entirely forgotten by the survivors of the 50's. I hope, by further inquiries, to disentangle this historical difficulty.

There is also much conflicting testimony regarding both the date of the fire which destroyed the entire building either in 1855 or 1856; and date of its re-dedication by Rabbi Gutheim, of New Orleans. Who was rabbi then is still a disputed question.

In the 50's the Jewish community received its largest accessions. Most of the Jewish families of Mobile to-day are descendants of the Jewish settlers of the 50's. The city directory of 1855 gives the names of more than fifty places of business conducted by Jews. The community numbered probably seventy-five families.

At the time of the Civil War the Mr. Epstein above mentioned was the rabbi. When war was declared, the community furnished its quota of soldiers to the Southern cause. The Twelfth Alabama contained no less than fifteen Jewish soldiers from Mobile.[28a] The most prominent among them was

[28a] The names of the Jews enlisted in the Independent Rifles of the Twelfth Alabama Regiment, organized at Mobile in 1861, are L. Newman, second sergeant; A. Proskauer, corporal; F. Neubrik, S. Pickard, J. Sonnentheil, S. Rosdwald, A. Einstein, S. Stein, W. H. Rochotsh, S. Haas, L. Siegel, H. Ash and S. Altman, privates.

Adolph Proskauer, who enlisted as a corporal and rose to the rank of major. He fought at the battles of Seven Pines, South Mountain, Sharpsburg, Chancellorsville and Gettysburg. During several engagements he was desperately wounded. He was known for his intrepidity, and the following tribute was paid him by a Christian comrade in arms: "I remember him as a brave soldier and a courtly and gallant gentleman. I can see him now as he nobly carried himself at Gettysburg, standing cool and calm with cigar in his mouth at the head of the Twelfth Alabama amid a perfect rain of bullets. He was the personification of courage and gallantry." [29] After the war Major Proskauer returned to Mobile where he became the leader of Jewish affairs until his departure in 1893. He stood so high in Mobile that he was twice elected during the critical Reconstruction days as a member of the Legislature, in 1869 and 1870, where he rendered yeoman service for reconstruction. Among the Jewish contingent was Mr. Nathan Strauss, who rose to the rank of captain. He too returned to Mobile after the war and became prominent in Jewish affairs. In 1870 he was elected a member of the Legislature. Many others whose names cannot be mentioned in this brief sketch fought bravely on the Southern side, and many Jewish women rendered incalculable service to the Southern soldiers in the homes and hospitals of Mobile.

During the war the normal activities of the congregation and community were interrupted. Many families left for New Orleans. After the war, the community received new accessions and the congregation grew in numbers and influence. Among the many changes and reforms must be mentioned the opening of a Hebrew and secular school by the congregation in 1868. In this school a primary and secondary education was given, in connection with Hebrew studies. Rabbi L. Wintner, now a rabbi in Brooklyn, was made rabbi

[29] Extract from letter by Capt. A. E. Park of Georgia at death of Major Proskauer.

of the congregation and superintendent of the school. The institution was maintained till the late 70's, when the secular features were gradually abolished. Rabbi Wintner was succeeded by Rabbi Maurice Fluegel, who acted as rabbi, and by Rabbi Abraham Laser, who acted as chasan. On the departure of the former, the latter was elected as rabbi. He served until his untimely death during the yellow fever visitation of 1870. He was succeeded by a certain Abraham Yaeger, who created a sensation in the second year of his rabbinate by suddenly professing Christianity. His position was declared vacant, and Yaeger went to Chicago, where he wrote a controversial book in defence of his change of heart, entitled "Mind and Heart: An Exposition of Judaism and Christianity." It is a curious piece of polemic religious literature. Yeager attempts to give a philosophical reason for his conversion by the usual Christological argument.

The vacancy created by his unusual conduct was filled by the election of Rabbi Adolph Moses, who was called from his Montgomery charge. Educated in the Jewish seminary and the University of Breslau, he added to a profound Jewish and general scholarship, a cosmopolitan experience gained as a soldier in the Polish and Italian Wars of Independence. During his long incumbency he left a deep impression upon the community and acquired a reputation as a Jewish novelist and a Biblical scholar. From Mobile he was called to the Louisville Congregation, where he served until the time of his death.

He was succeeded by Rabbi Emanuel Schreiber, who, after two years' service, was followed by Rev. Dr. Henry Berkowitz, of Philadelphia. He served five years faithfully and became a factor in the religious and public life of Mobile. His successor was Rabbi Oscar J. Cohen, a prominent graduate of Columbia, who officiated for ten years and during his incumbency made a profound impression upon Mobile Judaism. He left because of ill health and died in 1901 in Dallas. His successor was Rabbi Tobias Schanfarber, who occupies a

prominent pulpit in Chicago. The present incumbent is the writer of this sketch.

The limits of this paper prevent a special mention of all Israelites who have held prominent civic and political positions in Mobile and who have been identified with the leading movements and best institutions. Mr. William Leinkauf was for years the president of the School Board. The Mobile Jewish community as it is at present constituted is the result of the growth of six decades of a conservative and yet truly American Jewish element and illustrates well the force of tradition and history in an American Jewish environment. The historic influence and progress, the writer trusts, he has shown with accuracy and clearness.

A JEWISH ARMY CHAPLAIN.

By Myer S. Isaacs, *New York City.*

In October, 1861, Rev. Dr. Arnold Fischel, who had for five years been the Preacher of the Congregation Shearith Israel, New York, made application to the Secretary of War for a commission as Chaplain in the "Cameron Dragoons," a regiment accepted as part of the volunteer forces of the United States, and whose rank and file were largely soldiers of the Jewish faith. Secretary Cameron denied the application because of the provisions of Acts of Congress approved July 22 and August 3, 1861, requiring chaplains to be "of a Christian denomination." The Board of Delegates of American Israelites,[1] satisfied that the discrimination in these

[1] The Board of Delegates of American Israelites was established in 1859, and continued in operation until 1878, when the organization was combined with the Union of American Hebrew Congregations and a standing committee was created entitled "The Board of Delegates on Civil and Religious Rights" to maintain its powers and the work heretofore committed to the first named body. The first session of the Board was held November 27, 1859. Its objects were declared to be: (1) The collection of statistical information; (2) the promotion of religious education by encouraging local schools and by establishing a High School for training young men, qualifying them to become ministers and teachers; (3) having a watchful eye on occurrences at home and abroad, seeing that the civil and religious rights of Israelites are not encroached upon, and calling attention of the proper authorities to the facts should any such violation occur; (4) preserving communication with similar Central Israelitish bodies throughout the world, and promoting union among the Israelites of the United States.

Official connection with the Board until its dissolution justifies me in making the statement that its record realized the expec-

statutes against American citizens of the Jewish faith had been inadvertently made, prepared the following memorial to Congress, which was presented to the Senate by Hon. Ira Harris, and to the House of Representatives by Hon. F. A. Conkling:

MEMORIAL.

To the Honorable, the Senate and House of Representatives of the United States of America:

The subscribers, your memorialists, respectfully show: That they are the President and Secretary of the "Board of Delegates of American Israelites," and that they are duly empowered to submit to your honorable body the facts herein set forth, and to crave, at your hands, that attention to the subject, which its importance to American citizens professing the Jewish religion, demands.

Your memorialists respectfully show, that by the 9th Section of the Act of Congress, approved July 22, 1861, and the 7th Section of the Act of Congress, approved August 3, 1861, it is provided that "the Chaplain appointed by the vote of the field officers and company commanders, must be a regular ordained minister of some Christian denomination," and that, as appears by the following letter from the War Department, to which your memorialists beg leave to refer, the said sections have been interpreted to exclude from the office of Chaplain in the service of the United States, "regular ordained ministers" of the *Jewish* faith:

"WAR DEPARTMENT, October 23, 1861.

"REV. A. FISCHEL, Rabbi, Jewish Synagogue, New York.

"*Sir.*—Your communication of the 17th inst . . . . has been received.

"In reply, you are respectfully informed that by the 9th section of the Act of Congress, approved July 22nd, 1861, it is provided that the Chaplain appointed by 'the vote of the field officers and company commanders, must be a regular ordained minister of some Christian denomination.' A like provision, also, is made in the 7th section of the Act of Congress, approved August

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tations of the founders, and that its efforts in behalf of the Israelites "at home and abroad" were successful by reason of the diligence and disinterestedness of the officers, their hearty co-operation with European Jewish organizations, and their patriotic devotion to duty as American citizens.

3, 1861. Were it not for the impediments thus directly created by the provisions of these two Acts, the Department would have taken your application into its favorable consideration.

I have the honor to be,

Very respectfully,

SIMON CAMERON,
Secretary of War."

Your memorialists respectfully submit that the body of citizens of the United States whom your memorialists represent, numbering not less than two hundred thousand, are unexcelled by any other class of citizens in loyalty and devotion to the Union, that thousands of them have volunteered into the Army of the United States, and are, by the provisions of the Acts hereinbefore mentioned, excluded from the advantages of spiritual advice and consolation provided by Congress for their fellow-citizens professing Christianity;

That the said Acts are oppressive, inasmuch as they establish a prejudicial discrimination against a particular class of citizens, on account of their religious belief; and further,

That the said Acts, inasmuch as they establish "a religious test as a qualification for an office under the United States," are manifestly in contravention of Section 3, Article VI of the Constitution and Article I of Amendments thereto.

Your memorialists, therefore, respectfully pray that your honorable body will take this, their memorial, into favorable consideration and that you will, in your wisdom, cause the Acts of Congress approved July 22nd and August 3rd, 1861, respectively, to be formally amended, so that there shall be no discrimination as against professors of the Jewish faith, in the several laws affecting the appointment of Chaplains in the service of the United States.

And your memorialists will ever pray, &c.

(Signed)

(L. S.) HENRY I. HART, President.

MYER S. ISAACS, *Secretary.*

New York, December 6th, 1861.
Tebeth 3rd, 5622.

The Board likewise addressed the President of the United States urging the appointment of a Jewish Chaplain to each of the Military Departments. President Lincoln, while unable to grant the petition, declared his intention to recommend

Congress to modify the laws to which the Israelites objected. The Military Committee of the Senate promptly reported a bill amending the objectionable acts, and this became a law. The following section particularly relates to the subject of the Memorial:

§ 11. And be it further enacted, that so much of § 9 of the aforesaid Act, approved July 29, 1861, and of § 7 of the Act providing for the better organization of the military establishment, approved August 3, 1861, as defines the qualifications of Chaplains in the Army and Volunteers shall hereafter be construed to read as follows: That no person shall be appointed a Chaplain in the United States Army, who is not a regularly ordained minister of some religious denomination, and who does not present testimonials of his present good standing as such minister, with a recommendation for his appointment as an Army Chaplain from some authorized ecclesiastical body or not less than five accredited ministers belonging to such religious denomination.

Several thousand Jewish soldiers had been deprived by law of the comforts and consolations provided for their fellow-citizens of Christian faith. Partly to meet this contingency, the Board of Delegates appointed Rev. Dr. Fischel to proceed to Washington and look after the welfare of Jewish soldiers in the camps and hospitals in the vicinity. Dr. Fischel also urged the adoption of the remedial legislation.

I have made some extracts from his correspondence, which I think will be read with interest, and which illustrates Dr. Fischel's fidelity in the discharge of his duties.

It is somewhat strange that the *Jewish Encyclopaedia* in its sketch of Dr. Fischel (Vol. V), entirely omits any reference to his services as chaplain in 1861-2. Indeed, his career is very briefly described, and his association with the Congregation Shearith Israel is overlooked. Dr. Fischel was a fine English speaker and a modest man. When in New York, he was at his prime. He was twice selected to deliver addresses before the New York Historical Society, in December, 1859, when his subject was "The Jews of America," and in March, 1861, when he lectured on "The Inquisition in America."

Among his most admired discourses were those of 1861, when he spoke so earnestly, and in such a patriotic spirit, upon the duties of Jewish citizens toward the Union.

Shortly after 1862, he returned to Holland where he continued to reside with his mother, and there he died.

In his letter of December 11, 1861, to Mr. Henry I. Hart, President of the Board, Dr. Fischel writes:

Having obtained important letters of introduction to Senators, I started for Washington, where I arrived on Tuesday evening, and went at once to work to obtain an interview with the President. All the influential gentlemen with whom I spoke on the subject, assured me that it would be impossible for me to get an audience, as the President's time was altogether taken up with public business. The same opinion was expressed by Mr. Nicolay, his private Secretary, who even told me that Mr. Lincoln would not have time to read the letter in which I solicited an interview, and that there would be little chance for me to see him before the adjournment of Congress; that, in fact, none but Cabinet Ministers, Senators and army officers could be admitted. Seeing that I could not obtain admission by the usual process, I had to devise a plan whereby the subject could be at once brought under the notice of the President, and in this I was perfectly successful. I called this morning at ten o'clock at the White House, where hundreds of people were anxiously waiting for admission, some of whom told me that they had been for three days awaiting their turn. I was, nevertheless, at once invited to his room and was received with marked courtesy. After having read the letter of the Board and delivered to him several letters of introduction, he questioned me on various matters connected with this subject and then told me that he fully admitted the justice of my remarks, that he believed the exclusion of Jewish chaplains to have been altogether unintentional on the part of Congress, and agreed that something ought to be done to meet this case. I suggested that he might do for Jewish, what he had done for the Christian volunteers, and take upon himself the responsibility of appointing Jewish chaplains for the hospitals. He replied that he had done that at a time when Congress was not in session, deeming the subject to require immediate attention, but that, after the meeting of Congress, he would not be justified in taking the responsibility upon himself. Finally, he told me that it was the first time this subject had been brought under his notice, that it was altogether

new to him, that he would take the subject into serious consideration, that I should call again to-morrow morning, and if he had five minutes to spare he would receive me and let me know his views. I thanked him for his kind reception, and expressed to him my best wishes for his welfare. In the course of my remarks I gave him clearly to understand that I came to him not as an office-seeker but to contend for the principle of religious liberty, for the constitutional rights of the Jewish community, and for the welfare of the Jewish volunteers, which he seemed fully to appreciate.

This afternoon I shall visit the hospitals and camps and as soon as I have anything of importance to communicate, I will write to you at once. In the meantime, you will agree with me that the two days I have been at work here have not been without useful results.

On December 13, he writes to Mr. Hart:

You have no doubt received my first letter in which I gave the substance of my interview with the President. As he wished me to call again on the following day, I readily availed myself of his invitation, but, much to my regret, he was unable to see me, as he had important public business to transact with the Governor of Indiana and foreign ambassadors. He sent me, however, a note in which he stated that "he is not forgetting my case and *will lay it before the Cabinet to-day* (Friday)." It may be that some days will elapse before I know the result of their deliberations. At all events, I have succeeded in obtaining the favorable consideration of the President, which I entirely attribute to the excellent letters of introduction submitted to him. All the public officers, from the President down to the Members of Congress, have too much to occupy their attention, so that unless an extraordinary amount of political influence is brought to bear upon them, you may for weeks solicit an interview without obtaining it. Under these circumstances, I consider myself fortunate in having accomplished so much in a few days.

On December 14, the President addressed Dr. Fischel as follows:

EXECUTIVE MANSION, Dec. 14, 1861.

REV. DR. A. FISCHEL.

My Dear Sir.—I find there are several particulars in which the present law in regard to chaplains is supposed to be deficient, all which I now design presenting to the appropriate Committee of

Congress. I shall try to have a new law broad enough to cover what is desired by you in behalf of the Israelites.

Yours truly,

A. LINCOLN.

The Bill was immediately prepared and duly reported by the Military Committee of the Senate with the result already stated. Dr. Fischel had frequent interviews with Senators and Representatives pending the consideration of the Bill and met with a very cordial reception. As to his visits to the hospitals, he writes (December 20) that the Generals promised him every facility for religious services.

In case permanent provision be made by your Board for a Jewish chaplain for this army, at least until Government provides one, I would suggest the following "modus operandi:" (1) That he be required to visit the hospitals daily; (2) that he visit each division of the army once a week; and (3) that a card be extensively circulated in the camps to the effect that Jewish soldiers in camps and hospitals who are in need of personal assistance send a written request to Dr.————. Every Jewish soldier would then have the opportunity of enjoying the Chaplain's services at any time he may wish. The Generals have even promised me every facility for religious services.

In his letter of December 27, Dr. Fischel says:

There was one death among the Jewish soldiers in the hospital, this week. He belonged to a Pennsylvania Reg't, and at once information of his decease was telegraphed to his relatives, who will be here to try to take his body to their city. I passed three days this week in the camp of Genl. Banks' army. It takes considerable time to reach that station, as there is no direct route, and I had consequently to go first to the Relay House, near Baltimore, thence to Monocacy Junction, where we changed cars for Frederick, and from that place stages run to the various encampments, which makes the journey as expensive as it is disagreeable. I found in that division some of my former parishioners and other New York Jews, with whom I left my address, so that they can telegraph to me, if my presence should be wanted. There was a meeting held this week of "the Young Men's Christian Association," which being private I could not attend, but the following information in regard to its proceedings has reached me. It appears that a deputation from other Christian associations has

arrived here to co-operate with the former in reference to army chaplains. They complain that the law is not sufficiently stringent to ensure a decent class of ministers for that office, that in some regiments no religious service is held, etc. In this they are perfectly right, as I know one New York regiment which has been about seven months in active service, and no general service has been performed on any Sunday since their organization, which is no strong argument in favor of "Christian chaplains." However, they suggested that the law should specify what the duties of the chaplains are, that they should be bound to have weekly services, etc. In the course of discussion, my proposed amendment of the act was alluded to, and a general impression prevailed that the word "Christian" should be retained, and that they should use all their influence to that effect. It was suggested that in case the claims of the Jews be strongly advocated, a provision might be made in their favor by allowing Jewish chaplains for regiments exclusively composed of Jews, but even this few were prepared to agree to. I believe myself that their bigotry will not prevail, as I have made too much headway.

Dr. Fischel continued visiting the camps and hospitals until April, 1862. He requested that prayer books be sent for the soldiers and in many ways he contributed to their comfort. The service was discontinued because the congregations did not respond adequately to the appeal of the Board of Delegates, and strange to say there was "a fire in the rear," certain Jewish ministers publishing in the Washington papers a protest against the "unauthorized" action of the Board. Happily, the protest was unheeded, and in due time the signers of the paper became actively interested in the Board of Delegates and in the Union of Hebrew Congregations. Dr. Fischel's report of April 3, 1862, states in some detail his proceedings from the date of his arrival at Washington.

In order to ensure the speedy attention of the Committee (to the proposed measure) I submitted to them a written statement in which I pointed out the unconstitutionality of the Act, and the danger of infringing on the principle of religious liberty in a country containing so many distinct religious denominations. These views I explained more fully, in conversation, to the members of the Military Committee, to a majority of the Senators and

to a large number of influential members of the House of Representatives, all of whom seemed to admit the justice of our claims and in every instance promised earnest support. The articles submitted by the President were incorporated in the Army Bill (S. 139) and introduced into the Senate on the 8th day of January, 1862, by Mr. Wilson, Chairman of the Military Committee. Having been informed that there was some opposition to the first of the above clauses because the wording implied a positive repudiation of the Christian religion, it was agreed that in deference to the conscientious scruples of the Christian community, the language should be altered and be presented in the following form, viz.:

"That so much of Section 9 of the act approved July 22, 1861, and of Section 7 of the Act providing, etc., etc., approved August 3d, 1861, as defines the qualifications of Chaplains in the army and volunteers, shall hereafter be construed to read as follows: That no person shall be appointed a chaplain in the United States Army who is not a regularly ordained minister of some religious denomination."

The bill containing the two clauses relating to chaplains was then incorporated with another bill and finally passed the Senate (S. 175) on the 12th March, 1862, and although there was considerable discussion in reference to some portions of the Bill, not the slightest opposition was offered to the above articles. Considering the enormous amount of business that claimed the attention of Congress, I think we have reason to congratulate ourselves on the prompt attention paid to our claims. In order to test the sense of the House of Representatives on the subject, Mr. Johnson proposed on the 20th of January the following resolution:

"That the Committee on Military Affairs be instructed to inquire into the expediency of changing the existing law as to the employment of Chaplains in the Army, so as to authorize the appointment of brigade chaplains, one or more of which shall be of the Catholic, Protestant, and Jewish religion."

This resolution was unanimously adopted, although at the last session a similar motion, proposed by Mr. Vallandigham, was rejected by a large majority. This change in public opinion could only have been caused by the energetic action of the Board of Delegates, and it shows that we have a Government which is ready at all times to listen to the just claims of every class of citizens.

The time occupied in agitating the repeal of the obnoxious law did not in any way interfere with my attention to the spiritual

wants of the Jewish soldiers in the hospitals. After having visited the various Jewish divisions of the army on the Potomac, which covered an immense area with a base over sixty miles long, I concluded to confine my attention to the hospitals in Washington, Georgetown and Alexandria. I very much regret that the suggestion made at the commencement of the war, of having a separate hospital for the Jewish soldiers, was not carried into effect. The expense would have been insignificant, as Government would have provided competent surgeons, medicine and everything except the rent of the house, which could have been easily obtained by public subscription in New York City alone. There would have been sufficient patients to justify that expense, as I found generally from thirty to forty in the hospitals; and had there been a battle on the Potomac, the number would have exceeded one hundred. It would have been duly appreciated by the soldiers who, without exception, expressed to me their wish in sickness to be surrounded by their own people, and to be buried among their kindred. Most of the Jewish soldiers, seeing that no provision had been made for them, had joined the Odd Fellows and other associations that undertake to return the bodies of the dead to their relatives, and one instance came under my notice in which a messenger was sent from California to recover the body of a soldier who was a member of some associations in that State. In the future, however, there will be no necessity for the Jewish soldiers to go outside of their community for those charitable ministrations, as the passage of the Bill will enable the President to appoint an adequate number of Jewish chaplains for the hospitals. The duties were to me a labor of love, and I look back with satisfaction to the many opportunities afforded me for officiating in that capacity, whilst I have reason to believe that my services have been welcome to many a sufferer.

This record would be incomplete, did I omit to mention the active interest maintained in all the work of the Board of Delegates by Henry I. Hart, its President from the organization (1859) until his death (1863). Mr. Hart was a merchant of the highest standing in New York, and was influential in commercial and financial affairs.

After the lapse of over forty years, the perusal of the Fischel correspondence recalls very vividly the momentous events in which the great Lincoln was the principal figure, as

typical of the American who loved his country and was near to the "common people." When I saw him at the Executive Mansion, I was profoundly impressed by his grave and serious demeanor as he declared his purpose on some question that interested a previous visitor, and by his tone of happy relief as he then welcomed Mr. Solomons and myself, and especially the little girl presented by Mr. Solomons as "one of his daughters."

This paper will be read on the 12th of February, the birthday of Lincoln. Profane hands, even now, touch the ark which holds sacred the memory of the beloved and martyred President. We of the Jewish Historical Society reverently place our tribute of gratitude by the side of the myriad chaplets in honor of the American who was too great to be sectarian, whose motto was "Malice towards none—charity for all," "doing the right as God gave him to see the right," whose idea of atonement was the Jewish inspiration, "let the oppressed go free."

THE DEVELOPMENT OF JEWISH CASUISTIC LITERATURE IN AMERICA.

By J. D. Eisenstein, *New York City.*

I beg to submit to the attention and consideration of this society a new source of research for historical information, namely the casuistic literature known as Responsa works, to which American scholars contributed their share either in the form of *Shaalot or Teshubot* during the last two and a half centuries. Nothing else, I believe, could give such a clear view of the Jewish communal life in the various stages of American development connected with important historical events, as the cases treated in the Responsa literature, aside from their primary purpose of precedental legal decisions. In using them for sources of information, we will but follow the example of the Jewish historians like Jost, Fürst and Grätz, who utilized the material of the Responsa to gather gleanings of historical facts.

I must not however, belittle the difficulties in sifting, distinguishing and elucidating the material relative to the American Jews in particular. On the other hand, we have the advantage of a narrow field and limited period for our investigations. References to the early history of American Jews in the 17th and 18th centuries may be collected from Responsa books published during that time in Amsterdam, Venice and Salonica. For the history of the Russian-American Jews, information may be looked for in the Responsa publications during the 19th century in Russia, Austria and Jerusalem. Several compilations of Responsa have already appeared in print in New York, and the indications in this 20th century point to a new era of a rich harvest of Responsa works in the United States.

The earliest American contribution to the Responsa literature appears to be the *Shaala* on behalf of the Jews in Brazil who came from Holland. It is conceded that Jews immigrated to Brazil toward the end of the 16th century principally to Recife, and settled in large numbers after the formation of the West India Trading Company in 1624, at Bahia, following the Dutch conquest of Brazil. The place where this *Shaala* originated is described as being South, latitude 20 and over, which would designate the vicinity of Rio de Janeiro. The author was, most likely, Ishak Aboab de Fonseca, or perhaps Moses Raphael de Aguilar who arrived at Brazil from Amsterdam in 1642. Having no greater authority than themselves, they had to direct their inquiry to a distant rabbi in Turkey, whereas if the *Shaala* had occurred previously, the author, in all probability, would have submitted it to these rabbis then at Amsterdam. Aboab and Aguilar left Brazil in 1646, consequently we can fix the period of the *Shaala* to 1642-46.

R. Hayyim Sabbathai of Salonica, to whom the *Shaala* is addressed, in his Responsa "*Torat Hayyim*," Vol. III, No. 3, gives but a synopsis of the original, involving a liturgical question regarding the form of the periodical prayer for rain, in view of the fact that the rainy season in South America is changed from that of the Old World. As follows:

Question.—Sent from a distant country, the Empire of Brazil, a place south of the Equator, where the south zone is up to about 20 degrees and the north zone is hidden under the horizon 20 degrees or more; where the seasons of the year are changed from Summer to Winter so that the rainy season is not between Tishri and Nisan but from Nisan to Tishri. Moreover, the Summer rain is a blessing to the growth of vegetables and fruit, while excessive rain in Winter causes diseases and epidemics. For this reason they (a faction of the Jews at Brazil) are inclined to think that the special benediction "Mashib ha-Ruah" and "Tal-u-Matar" in the prayer during the Winter season, should rather be said during the Summer season, to harmonize with the surrounding conditions.

The *Shaala* in the abridged form contains about 150 words, and ends: "Let our master teach us if they (who urge the change) are within the law; that we may be enlightened by his light."

Responding, R. Hayyim uses five times as many words in rendering his decision. He brings out the fact that the Jewish community in Brazil, as it appears from the *Shaala,* was small, and confined to a single town. He decides that if such town be even as big as Nineveh, indeed, even an entire island, it is not entitled to a special change in the liturgy. Only numerous congregations scattered in a largely populated country may claim the right to change the order of the Prayers. Nevertheless, no congregation need pray against its want and need, but in such single cases the regular benediction may be omitted, and when necessary, insert a prayer for rain at the end of the prayer after "*Shomea Tefillah.*"

This question raised by the earliest Jewish inhabitants of the Western Hemisphere may appear trivial, and yet it signifies the underlying thought that 150 years later divided those who desired to change the form of worship to suit individual conditions, and those who demanded the consent of an authoritative majority before permitting a schism in the accepted traditional forms.

The Responsa "*Peri Ez Hayyim*" published periodically between 1733 and 1792 at Amsterdam, by the learned students of the famous college "Ez Hayyim" (Arbol de las Vidas) is a mine of information for our investigations. They contain the names of contributors most familiar and whose descendants were among the early American settlers. One of the responses (part V, p. 41), signed by David B. Abraham Franko Mendes, deals with an interesting question of marine insurance covering a merchantman libeled by the Court of Admiralty in the Seven Year War between England and France (1756-1763). George II is designated as the

King of the North, and Louis XV of France as the King of the South. The Island of the (King of the) South mentioned is either Suranim or Casaçoe. Both the plaintiff and the defendant are described as Jews, but their names are withheld. The pseudonyms of Zebulun and Naphtali are adopted for the plaintiff and defendant.

The *Shaala* and *Teshuba* follows:

Question.—Zebulun exported valuable goods in large quantities on a ship sailing to the Island of the South and agreed with Naphtali in consideration of a certain sum, to insure them (the goods) against loss by sinking or otherwise. It happened that the ship was captured by an armed vessel of the King of the North who was then at war with the King of the South. On the following day a fierce storm arose and the crew of the merchantman managed to escape in safety, and having delivered the valuable goods, entrusted to them, into the magazines of Zebulun's agents, returned to their country. Long after the goods had been sold at current market prices, a mixed court representing the two kings agreed to condemn all prizes. Accordingly, Zebulun's agents were adjudged to turn over the proceeds of the property to the captors. Now, when the news reached Zebulun, he demanded the amount of the insurance contract.

The author of the *Shaala* ends by saying:

Beholding two Jews in legal dispute I thought of appealing to your judgment, etc.

In response, Franko Mendes first analyzes the phraseology of the contract "written and sealed in the customary way," and argues that it covers "the loss of capture by privates or belligerents, or for any depreciation in value or loss incurred to perishable goods by reason of detention of the prize, in usual, unusual or unforseen circumstances."

The author then considers the validity of the compromise reached by the mixed tribunal of the warring kings, and concludes in the affirmative. Nevertheless, he renders a verdict in favor of Naphtali: First, because the condemnation by the tribunal was unconstitutional and contrary to international law, inasmuch as the merchantman was captured on

the high seas from where it subsequently escaped and the captors cannot claim title unless they bring the prize to the nearest port. Second, because the goods have since been converted by the agents of Zebulun to a third party, thus releasing Naphtali of further responsibility, as the insurance covered the goods only, not their equivalent in money.

The author says he bases his decision on the laws of the Torah, and ends:

> May our God grant us wisdom to do justice; let our handicraft prosper; we may soon be worthy to behold the advent of our Redeemer. So be Thy will, Amen!
>
> Given this 27th day of Adar First in the year 5518 (1758).
>
> (Signed) DAVID B. ABRAHAM FRANKO MENDES.

Aside from the value of this response as a unique contribution of international law in rabbinic literature, it is of great interest to know the active part taken by the Jews to promote American foreign trade, and who may have been pioneers in introducing American marine insurance.

In the same period we find probably the first record where an American authority was consulted in casuistry. The opinion was written by Aaron Le Desma, a minister and rabbi of the congregation at Surinam, in response to R. Benjamin Diaz Brandon of Amsterdam, and is published in the latter's Responsa *Emek Benjamin* (Nos. 15 and 16, Amsterdam, 1753). The *Shaala* relates to a legacy growing out of the last will and testament of "Reuben" (nominal) to his step-children, all that he may inherit from his brother "Levi," who died soon after Reuben. His brother "Judah" contests the right of Reuben to share in the property of Levi, inasmuch as Reuben died first. Le Desma after quoting many authorities rules upon the maxim in Talmud that "one cannot bequeath anything that does not exist in the world." The date, 5483, (1723), is a typographical error, as the subsequent argument of R. Brandon in refutation dated 5503 (1743), is probably correct.

Except these three responses, I have not been able so far to

trace another *Shaala* or *Teshuba* that passed between the Old and the New Worlds.

The interval of "no questions asked" appears to have been in force until the beginning of the Russian-Jewish settlement. The first *Shaala* is by R. Judah Middleman of New York in 1858, directed to R. Joseph Saul Nathansohn of Lemberg, Galicia, in his Responsa "*Shoel-u-Meshib*" (Book 1, part III, No. 72), and relates to the purchase of the Welsh-Scotch Methodist Chapel at 178 Allen Street, New York, for a Synagogue. The worshipers are described as "Lutherans, who chant psalms and hymns accompanied by music in the name of Jesus." Middleman is familiar with the authorities on the subject, but questions their application to the exceptional features in this case. In reply Rabbi Nathansohn quotes Zephariah III, 9, that eventually every church will be converted into a house of worship to our God, especially in this case where there is no image or cross,—"not only is there no objection to make a synagogue of the church, but the act is highly commendable in glory to the Name of Heaven."

To Rabbi Joseph Moses Aaronson of New York (died in Chicago in 1874) is due the distinction as the author of the first book of America Responsa to questions sent to him from various congregations in the United States. The book called "*Matai Mosheh*" was published in Jerusalem. One of the responses is dated Tuesday, the 29th of Sivan, 5623 (1863), to Rev. Simon Noot, regarding permission to place the ark on the southwest side of a synagogue just being built. Rabbi Aaronson was shown a revolving globe on which Jerusalem was pointed out to be somewhat to the south of New York, a distance of 140 degrees more toward the east. Accordingly, the worshipers in that synagogue would be turning toward the right direction of the Holy City. But the Rabbi nevertheless doubted the accuracy of the globe and rendered his decision subject to the verification of this geographical problem, of which he frankly admitted his ignorance.

As a rule the American rabbis were below the standard of

learning in comparison with the rabbis abroad. The latter were even more liberal in making due allowances to suit the spirit of the time. Thus Rabbi Isaac Elhanan Spector of Kovno, Russia, gave marriage permits to seven widows whose husbands, among other passengers, perished January 19, 1883, on the ill fated Cimbria, on her voyage from Hamburg to New York, in spite of the heretofore iron-clad rule of requiring evidence of identification of the dead body, as the presumption was that the supposed drowning man could have saved himself in the "endless waters." Rabbi Spector established a precedent in view of the exceptional conditions of modern navigation and the various agencies of communication, by accepting the captain's list of missing passengers as sufficient evidence.

I have carefully examined a number of Responsa works and have selected about 100 responses, either written by or to American scholars, or bearing on American subjects, which may be classified as follows:

(1) Sabbath Observance, (2) The Synagogue,
(3) Charity, (4) Dietary Laws,
(5) Marriage, (6) Divorce,
(7) Burial, (8) Miscellaneous Ordinances,
(9) Procedure of Bet-din in rendering decisions.

To give a résumé of these *Shaalot* and *Tesubot* would occupy much time and space, but I will mention a few with reference to divorce as an example:

R. Abraham Joseph Ash and his scribe Moses Hirsch Sopher Holzman (author of "*Emek Rephaim*" printed in New York, 1865), were the first to describe the boundary lines of New York City in a divorce document they issued in 1851: "Here in New York, a city situated on the port of the ocean and on the Hudson River, of North America." Rabbi Aaronson in 1863 objected to the form on the ground that New York proper is more than the three mile limit from the ocean and about the same distance from the Hudson River. He pro-

posed to change the form to: "Situated on the East and North Rivers and on the New York Bay," but his arguments were ineffective, as the designation of Rabbi Ash was already known and accepted abroad, and any new form would reflect on the validity of the former divorces. Since then no change whatever has been attempted.

Rabbi Ash also established the mode of "delivery" of the divorce document through the post-office authorities, by means of duplicate marked letters sent by the representative of the husband, one to the representative of the wife and one to the residing rabbi who compares and identifies the signatures of the witnesses to the document before issuing his permit to the wife to marry another.

There are many responses regarding the style of transliterating American names and aliases of persons and places. An interesting controversy was going on between the Rabbis Joseph Rosenfeld and Shalom Elhanan Jaffe, the former succeeding the latter as the Orthodox rabbi of St. Louis, as to the spelling of the name of that city in a divorce document issued there. Jaffe insisted on writing it with a *Samak,* equivalent to a hard S, while Rosenfeld had it with *Zayin,* a soft S. Rabbi Samuel Salant of Jerusalem was appealed to, but the wise man of the Holy City refused to interfere and referred the question back to the people of St. Louis who knew better how to pronounce the name.

At the solicitation of a committee appointed to draft by-laws for the "United Orthodox Hebrew Congregations" headed by Chief Rabbi Jacob Joseph, Judge Philip J. Joachimsom in 1888 wrote the section regulating the granting of divorces (Get), that they may not conflict with the laws of the State, as follows:

A "Get" can be given only in manner and form laid down in the Schulchan-Aruch of R. Caro of blessed memory. Such "Get" must be with a proper notice to all parties interested. Such "Get" is not a dissolution of Marriage under the Statutes and Laws of the State of New York. It is simply a compliance with Ecclesias-

tical Law of the Bible and the Halacha of the People of Israel, but it cannot be used or applied for any purpose not expressly authorized or sanctioned by the Laws of this State, and is not to be held or considered as the exercise of any judicial power or authority under the Laws of this State. No "Get" shall be authorized to parties not resident in this city, except in the following cases:

(1) Where one of the parties is a resident of this State, a "Get" can be written at the request in writing and under seal of a duly incorporated Jewish Religious Corporation.

(2) Where one of the parties resides beyond the seas and a properly recognized rabbi addresses a written and sealed request that a "Get" may be obtained authenticated by this association and showing that proper judicial proceedings are pending in the foreign country for a divorce according to their laws and that by the laws of that country the "Get" will thereby be judicially recognized.

Would it not be advisable to collect such books that treat on American casuistry among other treasures of the Society?

JEWISH HERETICS IN THE PHILIPPINES IN THE SIXTEENTH AND SEVENTEENTH CENTURY.[1]

By George Alexander Kohut, *New York City.*

There was no separate Tribunal of the Inquisition in the Philippine Islands. From 1590, the Philippines were dependent on the viceroy and audiencia of Mexico.[2] Many efforts have been made by the ecclesiastics of Manilla, at various times in the sixteenth and seventeenth centuries, to have an independent branch of the Holy Office established in that city, but their wish, for some unknown reason, was never granted. There arose, in consequence, a conflict of authority in matters of local heresy. Persons accused of this and similar crimes were arraigned and tried by the archbishops, bishops or commissaries, in instances where the offence was not of great significance; leading cases were, however, dispatched to Mexico as the nearest seat of authority for decision and disposal.

The year 1585 saw the first public *auto* in Manila. There seem to have been no *judaizantes* in evidence on that occasion, but seven other penitents are mentioned in the records.[3] Even as late as 1800 people were denounced and tried for

[1] Paper read at the Eleventh Annual Meeting, February 12, 1903.

[2] "La jurisdiccion del Santo Oficio comprendia aqui esta ciudad y Arzobispado de México, Estados y Provincias de esta Nueva España, y Obispados de Tlaxcala, Michoacan, Guatemala, Guadalajara, Chiapas, Yucatán, Oaxaca, Veracruz, Honduras, Nicaragua, Nueva Vizcaya é Islas Filipinas." (See L. Obrégon, *México Viejo*, II Serié, Mexico, 1895, p. 334, note 2).

[3] For this and much of the data included in this paper, I am indebted to the researches of that painstaking scholar, J. T. Medina, of Chili, who in his *El Tribunal del Santo Oficio de la Inquisicion en las Islas Filipinas* (Santiago de Chili, 1899), sums up all that can be said on the subject.

heresy in the Philippines, but, by decree of the liberal Cortes, the Inquisition was abolished throughout the Spanish Dominions in 1810. Ferdinand VII did, it is true, revive its functions for a brief space of time, but by Royal decree of March 9, 1820, it was ordered, under penalty of excommunication, to liberate all prisoners in the dungeons of the Inquisition in the Philippine Islands.

The first *Judaizantes* in Manila, of whom we have any record, were the two brothers, Jeorge Rodriguez and Domingo Rodriguez, elsewhere[4] called *Rios,* who were imprisoned and tried for heresy in Manila, where they had resided for many years. They are described as natives of Seville (Spain), and Fondon (Portugal) respectively, the descendants of *Christianos nuevos,*[5] known to be "strict observers of the law of Moses." Jeorge was put to the torture for denying and retracting his testimony, after confessing to heresy. They were both admitted to reconciliation with confiscation of their effects, at an *auto* held in the City of Mexico, March 28, 1593, "having practiced and believed in the religion of Moses, kept its rites and ceremonies, and trusted in the coming of the Messiah as promised in their laws." In addition to this, continues the official report, "They were sentenced to perpetual habit (*sanbenito*) and prison."[6]

[4] See L. Obrégon, l. c., p. 340; also Cyrus Adler in *American Jewish Historical Society Publications*, No. 7, p. 116, note.

[5] "*Jeorge Rios* Portuguez moso soltero natural de la Ciudad de Sebilla, Residente en Manila Islas Felipinas herege Judaizante Reconcdo año de 1593."

"*Domingo Rios* Portuguez hermano de *Jeorge Rios* natural del fondon en Portugal Residente en Manila Islas Felipinas herege Judaizante Reconciliado año de 1593."

The above entries are taken from a "List of heretics whose names were hung in the Cathedral" in Mexico, copied from the original *tablillas* by Jose Richardo and published in full for the first time by Luis Obrégon in an Appendix to his valuable work *México Viejo*, II Serié (Mexico, 1895), p. 340.

[6] See Medina, "*El Tribunal del Santo Oficio de la Inquisicion en las Islas Filipinas*, p. 33.

One other Jewish heretic, the Licentiate Manuel de Morales, a Portuguese physician, resident in the City of Mexico, described as a "*herege Judaizante Dogmatista,*" was burnt in effigy at the same *auto.* He, however, was not resident in the Philippines.

The next culprit (*reo*) on record is Manuel Gil de la Guardia, or more probably, de la Guarda, as he is elsewhere[7] called, born in the city of the same name in Portugal. He was a resident of Manila, an attorney by profession, in the service of the audiencia, 35 years of age, "guilty of great conceit and strongly suspected of observing the religion of Moses," as the official report has it. Denounced by no less than nine witnesses, some of them Relajados of the Holy Office, he steadily denied all until the second hearing, which took place at Manila. At that point he began to confess that he had believed in the religion of Moses, considering it to be the only true faith and hoping ever to find his salvation in its precepts. He admitted that in reciting the Psalms, he invariably omitted the *Gloria Mundi,* and as far as it was possible, he had rigidly observed the Jewish Sabbath. He was condemned to march in the *auto.* celebrated March 25, 1601, in the City of Mexico, clad in a *sanbenito,* taper in hand, and committed to perpetual imprisonment under sequestration of all his goods. This sentence seemed such a light one to his judges, that they were at pains to justify it. "He was thus leniently dealt with," so runs the explanation, "because he evinced many genuine signs of repentence, and it is owing to the fact that he relented that some who had hitherto remained obdurate, admitted their offences."[8]

Among the *some* here specified, were one hundred and twenty-four *reos,* or criminals, four of whom were burnt in

[7] "*Manuel Gil de la Guarda* natural de la Ciudad de la Guarda en Portugal Vezino de Manila herege Judaizante Reconciliado año de 1601" (cf. Obrégon, l. c., p. 350; Adler, *Publications,* No. 7, p. 116).

[8] Cf. Medina, "*El Tribunal del Santo Oficio de la Inquisicion en las Islas Filipinas,* p. 41.

person (*relajados en persona*) and sixteen in effigy, at the *auto* afore mentioned, which took place in Mexico in the great square facing the Merchants' Portico (*" en la plaza mayor frente al Portal de Mercaderes "*). Obrégon [9] enumerates only sixty-six cases, thirty-nine of whom, more than one-half, were *Judaizers.* On April 11, 1649, another great *auto* was celebrated in the " Plaza del Volador " in Mexico. On this, as on previous occasions, no expense was spared to make the affair brilliant and successful. The tribunes alone cost 7000 pesos, and the awnings that covered them, 2880 pesos. One historian states that this was the most solemn event in the annals of New Spain. There were 109 criminals in all, 74 men and 35 women. Nine were suspected of Jewish heresy; seventeen were proven dogmatizing *Judaizers;* two were burnt in effigy for the same offense; and subsequently, two women (Jewesses) were reconciled for heresy. There were, besides, eight Jewish *relapsos* surrendered to the secular arm, five of them being punished for simulating repentence, though in reality, they remained observers of the Jewish law. Among those relaxed in person, there were six Jewesses. Ten *Judaizers* who were given the death penalty in person or in effigy, died in the secret dungeons of the Inquisition; eight fugitive Jewish heretics were given over to be burnt; no less than forty-seven *Judaizantes* who had died in prison, being burnt in effigy. Of the three relaxed in person, two were garroted (*agarrotados*), and one, the heroic and defiant Jew, Tremiño (or Trebiño) y Sobremonte, was burnt alive.

This somewhat bewildering array of figures, is borrowed from the account given by Garcia Icazbalceta (Bibliografia del Siglo XVI).[10] It is not our purpose to probe the truth of the statements of such a reliable authority. From a MS. of another trial, recently offered for sale in Mexico, we learn that sixteen *Judaizers* were first garroted, then executed in the

[9] *México Viejo,* pp. 346-352.

[10] Quoted by Obrégon, l. c., p. 367, note.

market-place of San Diego, Trebiño being burnt alive "for his dangerous aggressiveness." One Jewess, Isabel Nuñez de Leon, was put to the torture, and then confessed to *judaizing,* implicating a whole colony of Marranos, whose existence was undreamt of until then. While preparations were pending for her execution at the stake, she, unable to hold out any longer, repented and thus escaped death by burning. From the results of a brutal flogging which she had to undergo in expiation of her crime, she died in such convulsions, that she was believed to have been possessed of the devil, and accordingly her remains were ordered to be burnt, though she had previously been burnt in effigy. We glean from the same source that the effigies of sixty-six Jews, who had lived quietly in Mexico for some years, and who either died as Jews or had succeeded in escaping abroad, were likewise burnt on that day, the most memorable *auto* in the annals of Mexico.[11]

Three Jews were present at that *auto* who hailed from the Philippines. The first was Manuel de Granada, alias Granado, a native of Seville, described in the official lists as "an inhabitant of the City of Mexico, a merchant by trade, residing in the Philippines, where he died, a child of Hebrew new-Christians, Judaizing heretic, relaxed in effigy."[12] According to the testimony of his son, Gabriel, whose trial, as published in the Society's Publications, No. 7 (1899), is, perhaps, the

[11] For further data on the subject see the author's essay, "Jewish Martyrs of the Inquisition in South America," in *American Jewish Historical Society Publications,* No. 4, pp. 121, 124-125, 161-162, where the date ought to be 1649, *not* 1549. Many of the persons there punished are mentioned as witnesses in the "Trial of Gabriel de Granada by the Inquisition in Mexico, 1642-1645," translated by David Fergusson, Esq., and edited by Cyrus Adler, in *American Jewish Historical Society Publications,* No. 7.

[12] "*Manuel de Granada* alias Granado naturl de Ciudad de Sebilla, Mercadr y Vezo de esta Ciudad de Mexco Recidente en Felipins donde murio hijo en hebreos Christanos nuebos herege Judaizante Relaxado en estatua año de 1649" (Obrégon, l. c., p. 371).

most complete and exhaustive printed account of any individual process on record in any language, he died in China in 1640. This is evidently eroneous,[13] for elsewhere Gabriel plainly states that his father died in Manila and that when he received news of the event in January, 1643, he, Gabriel, his brother, Raphael de Granada and other relatives of the deceased "fasted the seventh day after receiving the said news, which was on Monday, Christmas eve," the Jewish neighbors, according to custom, supplying them with such articles of food as were suitable for the occasion, and enjoining them not to go out of the house for seven days, in obedience to the law of Moses.[14] Manuel's wife, Maria Ribera, likèwise a native of Seville, and residing in Mexico, who is described in the *tablillas* as "daughter, sister, aunt and cousin of many who were relaxed" at the same *auto,* was burned in effigy "with her bones."[15]

The second Jewish heretic, who suffered on that memorable occasion, was Pedro Lopez Nuñez, also a Sevillian by birth, citizen of Manila, a merchant by trade, brother of Isabel Tristan. He was burnt in effigy.[16]

Louis Fernandez Tristan, the third on the list, no doubt a near relative of Dona Isabel Tristan, who had been tortured

[13] See *American Jewish Historical Society Publications*, No. 7, p. 19 n.

[14] *Ibid.*, pp. 95, 115.

[15] "*Maria Ribera* natural de la Ciudad de Sebilla, Vezina de la Mexco muger de Manuel Granado ó Granados hija, hermana tia y prima de muchos relaxados herege Judaizante Relaxada en estatua con sus Huesos año de 1649" (Obrégon, l. c., p. 377). For other references to Manuel de Granada and his wife, see *American Jewish Historical Society Publications*, No. 7, Index, *s. v.*

[16] "*Pedro Lopez Nuñez* natural de la Ciudad de Sebilla Mercader y Vezino de la Ciudad de Manila hermano de Isabel Tristan herege Judaizte Relaxdo en estatua ao de 1649" (Obrégon, l. c., p. 379). For other persons bearing this name, who figure in the trial of Gabriel de Granada, 1642-1645, see *American Jewish Historical Society Publications*, No. 7, Index, p. 132.

by the Inquisition and who also figures in the trial of Gabriel de Granada, was likewise a native of Seville, a merchant by trade, who died in Mar de Buelta in the Philippines (a place I am unable to identify on the maps before me). He was burnt in effigy.[17] Whether he was a near relative of Marcos Rios Tristan, whose daughter was reconciled by the Inquisition in Mexico in 1646,[18] cannot now be determined.

In 1677, information was received against two Portuguese *Judaizers,* Don Lorenzo de Medina and his uncle, Manuel Suarez de Olivera. The latter was tried for heresy, but is said to have died "with tokens of a faithful Catholic."[19] Who he was cannot be ascertained; possibly a relative of Matias Rodriguez de Olivera, who is mentioned in the trial of Gabriel de Granada.[20] There were Marranos bearing that name in other parts of Spanish America. As to Medina, he was a penitent of the Inquisition of Lisbon, who had fled to the Islands without having served his sentence. He had, somehow or other, learned of his impending arrest and, losing no time, he escaped to Mexico, "where, it is said,"—so runs the record—"he intended to embark for Spain."[21] What became of him afterwards is not known. He does not figure in Mexican Inquisitorial Courts, though some twenty years later, mention is made of one Fernando de Medina, a person who seems to have born a number of names, a native of France, charged with heresy and delivered up to the secular arm at

[17] "*Luis Ferdinandez Tristan* natural de la Ciudad de Sebilla Mercader Difunto en la Mar de Buelta de Felipinas hijo de hebreos Christianos nuebos herege Judaizante Relaxado en estatua año de 1649" (Obrégon, l. c., p. 373).

[18] Obrégon, l. c., p. 37; also *Publications,* No. 7, p. 37, note 2.

[19] "Carta de los Inquisidores de 10 de Febrero, 1678," quoted by Medina in *El Tribunal del Santo Oficio de la Inquisicion en las Islas Filipinas,* p. 79.

[20] See *American Jewish Historical Society Publications,* No. 7, p. 132, Index, for references.

[21] "Carta de los Inquisidores, fecha de Febrero de 1677," quoted by Medina, l. c., p. 79.

the age of 42 at an *auto* celebrated in the Church of Santo Domingo, Mexico, June 14, 1699.[22]

In summing up the result of our investigations, we find that there were no less than eight Jews known to have resided in the Philippine Islands from 1593 to 1677, nearly all of whom were tried in Manila and punished in the City of Mexico for the crime of *judaizing,* a crime for which the records of the Tribunal of Mexico alone can show a register of upward of three hundred names, that shall remain as imperishable as the history of Israel.

[22] "*Fernando de Medina* alias de Merida alias Moises Gom^{s}. Natural de la Villa de Peñaoradada [Peyrehorade] en el Reyno de Francia Obispado de Burdeos [Bordeaux] herege Judaizante Soltero de edad de 42 años Vezino de ésta Ciudad Relaxado en Persona año de 1699" (cf. Obrégon, l. c., pp. 384-385).

OUTLINE OF A PLAN TO GATHER STATISTICS CONCERNING THE JEWS OF THE UNITED STATES.

By Wm. B. Hackenburg, *Philadelphia.*

The growth of the Jewish population of the United States, within the last twenty-five years, has given rise to much guess work and speculative arithmetic. Estimates have been made ranging from three-quarters of a million to two millions. When we take into account the Russian exodus and natural increase the figure of one million is probably not greatly in excess of actual numbers, as against the 250,000 of the estimate of 1876-1880. Be that as it may, we seem to be in the dark as to anything like an accurate figure. It would seem to be proper for so considerable and influential portion of the citizens of this country to make an earnest and concerted effort to arrive at some nearly accurate account of their strength. I use the words "nearly accurate" for with our limited facilities and means it is of course impossible to hope for an exact statement either of our members or of our communal work, including the congregations, educational and charitable institutions and to some extent other social conditions.

The annual meeting of the Historical Society would seem to be a fitting occasion for again considering the subject, although a similar suggestion, proposed at one of its meetings several years ago, was unceremoniously shelved by the Executive Committee and has not since been heard from.

It may not be out of place at this point to refer to the only systematic attempt (in 1876-1880) that has as yet been made in this country to gather data and statistics of our Jewish population. Before the dissolution of the Board of Delegates of American Israelites about 1876, I offered, if authorized by

that body to take charge of a work of this character without cost for my services. This proposition being approved, the work was commenced.

In 1878 the Board of Delegates ceased to exist, being amalgamated with the Union of American Hebrew Congregations. Under the auspices of the latter organization I continued and completed the task.

Having had little if any assistance, besides being handicapped in numberless ways, it was necessarily a slow work, hence the long period of about four years, between its beginning and conclusion. The various returns from cities, towns and other sources gave a fairly reliable basis for the estimated Jewish population at that time. It was generally accepted by the Jewish community as being substantially correct. Needless to say the labor was great, the delays and vexations many. The total cost of the work (being entirely for stationery, printing, blank forms, postage and minor expenses) was about $1000.

The method employed is well explained in the Preface to the Report issued on September 1, 1880, by the Union of American Hebrew Congregations:

> For many years past, it has been desirable to collate statistical information of the Israelites in the United States, not alone for an exhibit of material prosperity or status as a religious community, but for purposes that would be mutually beneficial to every section of the country, and enable them to act in greater concert in all that concerns them as children of the Abrahamic faith.
>
> In order to carry out what was deemed necessary, the Board of Delegates of American Israelites, in the year 1875, asked the co-operation of the Union of American Hebrew Congregations, and by the united efforts of a committee from each body, the present result is laid before the community.
>
> The plan adopted to secure the desired information, was sending out blanks and circulars to almost every place in the Union where Jewish residents could be traced. These were sent out in the years 1876-7-8. In towns where no congregations existed, the secretaries of the lodges of the various Jewish orders were addressed, and influential citizens in sections where there were

neither congregations nor societies. It was difficult, in some instances, to procure a response; but, notwithstanding many obstacles, it is believed that this—the first systematic attempt in this country to ascertain our strength—is as nearly accurate as we could expect, and will furnish a basis on which future committees can work with a fair prospect of accomplishing yet more fully the desired object.

Where there are no statistics from a city, town or congregation, it is because no reply was received, notwithstanding urgent solicitations.

Some congregations declined furnishing the information sought, so that it had to be procured from other sources, but replies were received from nearly one thousand places, and the result shows that there were in the United States, in the year 1878, 278 congregations with a membership of 12,546, and the number of Israelites, as far as could be ascertained, was 230,257, so that making a fair allowance for such cities, towns or villages from which no information could be derived, the Jewish population of the United States can be safely placed at 250,000.—Philadelphia, September 1, 1880.

Copies were sent to every congregation, lodge and society that had replied to my queries, to every important library in this country and Europe, to many Jewish and other citizens of the United States. Occasional requests are made for additional copies which cannot be furnished, the edition being entirely exhausted. After the completion of the work all the original papers, the blank forms, the undistributed reports and other data were sent to the headquarters of the Union of American Hebrew Congregations in Cincinnati. I am informed that they have unfortunately been destroyed and am now unable to furnish any of the blanks that were used in the work.

The plan adopted for arriving at the population was this:

The number of congregational sittings as far as obtainable, the membership of lodges and societies where no congregations existed, and a count of the Jewish residents wherever possible in towns without either, were used as the basis for computing population. Each member or resident was considered as representing a householder or head of a family. This was

multiplied by five (the number estimated by the United States census authorities as being the proportionate rate for each family). Of course this did not furnish an entirely satisfactory result as there are in all communities, both large and small, a number of people non-affiliated with either congregations or societies, but this was again set off by the fact that many of the persons returned were without family. I calculated as a fair estimate for the non-affiliated 10 per cent in small places and 25 to 33 per cent in cities. From the calculations the aggregate population appeared to be 230,257. To cover small towns which could not be reached and to make up for other omissions and oversights the additional number to make up the 250,000 was added.

The data relating to societies, educational and charitable, were obtained in replies to the questions embodied in the blank forms covering those important parts of Jewish life. It is likely that a part if not all of this plan can be again used, a point to be determined by the person selected to take charge of the work.

At the recent meeting of the Board of Delegates on Civil and Religious Rights, held at Washington in December last, a resolution was offered asking the Executive Committee of the Union of American Hebrew Congregations to authorize the collation of this statistical information and to appropriate a reasonable sum therefor. I understand that the matter was introduced at the meeting of the Executive Committee, but that action was deferred in order to secure co-operation from other interested organizations; so that the work might be made as thorough and complete as possible.

There can be no doubt in the minds of all interested in the growth and general history of our people in this country that some united effort on the part of our communal and educational organizations should be made in the direction indicated.

Such a work should comprehend not alone the statistics of

population but congregational, educational, charitable and social work in every city or town in which Jews reside.

A competent paid superintendent should preside over the work.

I would offer to assist but my health is too precarious to undertake so great a labor, besides it should be placed in charge of a younger man having the necessary qualifications for a work of this kind.

I imagine that the total cost of the work which outside of the services of the collator (largely for printing, stationery and postage) would be about $5000. This expense could not and should not be borne by any one of our existing societies, but ought to be assumed by several of our national organizations.

As the movement has now been started by the Union of American Hebrew Congregations I would suggest that the Historical Society offer to join with it and other organizations in the work and defray a portion of the expense attendant thereon.

A proposition to organize a statistical society for the purpose of making a new census is, I think, objectionable. Sufficient support could scarcely be obtained for a society whose object would appeal to but a limited number. Moreover we already have in this country as many societies and institutions as our people can well maintain and manage. And finally I question whether a work of this character can be managed by any one society or set of men. It needs a competent head who, untrammeled by alliances and influences, shall be free to use the best methods to produce a satisfactory result. He should be associated with a small committee (not over five persons) with whom he could from time to time consult. Occasions would surely arise when he would require such help.

Any reasonable assistance in my power to give I, of course, freely tender.

NOTES.

AN EARLY RECORD OF PROMINENT AMERICAN JEWS.

The following list, besides containing much valuable information, is of especial interest because it was brought to the attention of the British public during the movement for Jewish Emancipation in England. It constitutes "Appendix II" in a pamphlet entitled "The Arguments advanced against the Enfranchisement of the Jews considered in a Series of Letters by Francis Henry Goldsmid," 2nd edition, London, 1833.

"The following list of Jews holding and having held offices in the United States, which appeared in a letter recently published by Mr. Benjamin Hart, of Montreal, Lower Canada, omits the name of Mr. Isaacs, a Jewish Member of Congress for the State of Tennessee, and some other names contained in the list subjoined to Mr. Van Oven's 'Appeal to the British Nation on Behalf of the Jews.' It furnishes, however, some names which Mr. Van Oven's list does not comprise, and I have therefore subjoined it.

"Mordecai Sheftall, of Savannah, State of Georgia, was during the revolutionary war elected one of the Committee of Common Safety; Moses Sheftall, his son, has been elected on two occasions, a Member of the Legislature of the same State, and has been a Judge of the County Court; Levy Isaac Delyon, of the same State, a member of the Legislature; Mordecai Myers, of the same State, is now, and has been for the last five years, a Member of the Legislature; Isaac Minis, of the same State, was a Member of the Legislature; Levy Myers was in 1796 a Member of the Legislature of the State of South Carolina, afterwards appointed Apothecary General of the same State; Myer Moses in 1810 was a member of the Legislature of the same State; Chapman Levy has several times served as a Member of the Legislature, and is now a Senator of the Senate of that State; Lyon Levy was Treasurer of the same State, and Franklin Moses is now Aid to the Governor of that

State; Mordecai Myers, of New York, has represented that great city in the Legislature of that State; Jacob Henry was a Member of the Legislature of the State of North Carolina; Samuel Judah was for several years, and is now, a Member of the Legislature of Indiana.

"In 1790, Abraham Cohen was appointed Post Master for Georgetown, South Carolina, and held the situation until his death; Solomon Cohen was Collector of Taxes for the same State; Moses Myers was Prothonotary of Georgetown, and Myer Moses was one of the Council of Safety for Charlestown, in the same State; Jacob I. Cohen was Recorder of the City of Richmond, in Virginia; Jacob Cohen is a Member of the Council of the City of Baltimore; Barnet Henry is the United States Consul at Gibraltar; Benjamin Russell at Riga; and Mordecai M. Noah was the United States Consul at Tunis,—after his return he was appointed Sheriff of the city of New York, and is now Surveyor of that Port (one of the most respectable situations in that State, and involving high responsibilities); Moses Myers, of Norfolk, Virginia, is Collector of the Customs, and John Myers, Deputy Collector; Reuben Etting was Marshal of the State of Maryland.

"Persons who are, or have been commissioned in the Naval and Military Forces of the United States:—

"Colonel David Franks, the Confidential Aid of General Washington, till his death, and with whom he served during the Revolutionary War; after the Peace of Independence he was appointed Cashier of the United States Bank in Philadelphia.

"Myer Moses, Major and Deputy Quarter Master General; Lieut. Mordecai Myers, Aid to the Governor; Chapman Levy, Captain; Mordecai Myers, Captain; G. Waage, Major; Abraham Massias, Major; Hymon Cohen, Lieutenant; Philip Minis and Abraham Deleon, Surgeons of the Army.

In the Navy.—Uriah Levy, Esq., Lieutenant and Commander; Barnet Henry, Esq., was a Lieutenant; Emanuel Phillips was Surgeon, and Gratz Etting, Purser."

LEON HÜHNER.

PROMINENT JEWS IN JAMAICA.

The following constitutes "Appendix III" in the Goldsmid pamphlet above mentioned:

"List of Jews appointed to civil and military offices in Jamaica since the Act of 1831, mentioned in note to page 22.

(The appointments are extracted from the official Gazettes of the Island.)

1831. Oct. 15. Myer Benjamin, Gent., to be a Quarter-Master.
Oct. 24. Moses Gomes Silva, Esq., to be a Provost Marshal General.
Oct. 27. Alexander Bravo, Esq., to be a Magistrate and Assistant Judge of the Court of Common Pleas for the Parish of Clarendon.
Nov. 22. Philip Lucas, Esq., to be a Magistrate and Assistant Judge of the Court of Common Pleas for the Parish of Kingston.
Dec. 13. Aaron Gomes Dacosta, Gent., to be an Ensign.
1831. Dec. 31. Daniel Jacobs, Gent., to be an Ensign.
1832. Jan. 19. Alexander Joseph Lindo, Gent., to be a Quartermaster.
March 8. Jacob De Pass, Esq., to be a Magistrate and Assistant Judge of the Court of Common Pleas for the parish of Port Royal.
March 9. Samuel Delisser, Gent., to be an Ensign.
April 27. Isaac Gomes Dacosta, Gent., to be a Quartermaster.
May 1. George Isaacs, Gent., to be a Quartermaster.
May 5. Barnet Isaacs, Gent., to be an Ensign.
July 6. David Lopez, Gent., to be a Lieutenant of Artillery.
July 7. Abraham D'Azevado Maar, Gent., to be a Lieutenant of Artillery.
July 26. Abraham Isaacs, Esq., to be a Magistrate and Assistant Judge of the Court of Common Pleas for the Parish of St. Ann.
Aug. 4. Moses Q. Henriques, Gent., to be an Ensign.

LEON HÜHNER.

WILLS OF JEWS ON FILE IN THE SURROGATE'S OFFICE AT THE CITY OF NEW YORK, 1754-1760.

The following have recently appeared in *New York Historical Society Collections,* 1896. Abstracts of Wills, Vol. V. p. 115.

Liber 20, Page 36.—Certificate of Thomas, Archbishop of Canterbury, that the will of ABRAHAM MENDES SEIXAS, otherwise MIGUEL PACHECO DA SILVA, late of the Parish of Dunstans, Stepney, County of Middlesex, was proved in London on April 7, 1738, and Letters of administration granted to RODRIGO PACHECO and DANIEL MENDES SEIXAS, executors.

"In the Name of the Eternal God, Creator of Heaven and Earth:" "I, ABRAHAM MENDES SEIXAS, otherwise MIGUEL PACHECO DA SILVA, being in my best understanding, though incapable of making my own will with own hand for want of sight, have caused these Presents to be made." "I declare that I was lawfully married once and had three children, all of whom are now living, to wit, Judith, wife of Rodrigo Pacheco, Isaac, who is now a single man, and Rebecca, wife of Daniel Mendes Seixas." And as I have given to the husbands of my daughters their marriage portions, I give to each of my daughters £20 as a token of love, and to my son Isaac only £50 for reasons known to myself. I leave to Esther da Silva, who is at present in my company, £50. To my son in law, Daniel Mendes Seixas, £80. And I make my two sons in law executors, and they are to allow my son £30 a year. If he marries with their approval and has children, they are to divide the estate between them, otherwise at his death I leave the whole to my two daughters.

Done at Bethnal Green, March 6, 1757/8. Witnesses, Abraham de Mesquito, Premental, Isaac Messoptrix.

"Faithfully translated from the Portuguese original according to the best of my skill, this 10 of April, 1738.

JOHN DA COSTA."

Confirmed by Sir Charles Hardy, Governor, June 25, 1756, and Letters of administration granted to Isaac Mendes Seixas, attorney of Daniel Mendes Seixas, surviving executor.

(Note.—The above-named persons were very important members of the Jewish Colony in New York, and principal supporters of the Hebrew Synagogue Shearith Israel.—W. S. P.)

JEWS AT EAST CHESTER.

(p. 96.)

Liber 19, Page 377.—In the name of God, Amen. I, Phillip Isaacs, of East Chester, merchant, being of sound mind. After all debts are discharged, I leave to Isaac Isaacs, of New York, Gent.,

all that I shall be possessed of, either in goods, money, or debts owing to me, and I make him executor.

Dated October 19, 1755. Witnesses, Naphthalai H. Myers, John Huestis, Elizabeth Heustis. Proved, March 1, 1756. "The executor, Isaac Isaacs, being first sworn on the five books of Moses."

AN EARLY WILL OF A JEW OF CHARLESTON, S. C.

(p. 179.)

Liber 20. Page 294.—"In the Name of God and by his Permission, I, Solomon Isaacs, of Charles town, South Carolina, being sound of body." After payment of debts, I leave the rest of my estate as follows: Whatever effects are due to me that are now in the hands of my brother Asher, I leave to him. All the rest of my estate to my brother Asher, and to my sister Judith, and my sister Rebecca, and my sister Rachel, and to the heirs of my brother Joshua. Mentions "Solomon Simpson, son of Joseph Simpson, and my sister Rebecca." I make Mr. John Savage, of Charles town, merchant, my nephew, Samson Simpson, of New York, merchant, executors.

Dated April 26, 1751. Witnesses, Thomas Olive, William Ellis, John Paine. Proved before his Excellency William Henry Lyttleton, Governor of South Carolina, January 14, 1757.

Codicil, December 20, 1756, makes Peter Bacot an executor. Leaves to Elizabeth Tookman 200 Spanish Dollars. To John Holmes, 100 Spanish Dollars.

Witnesses, Richard Fowler, John Fowler, John Winer.

(p. 434.)

Letters of Administration of Samuel Levy, of Huntington, issued to Naphthalai Myers, Jan. 23, 1758.

LEON HÜHNER.

The following is from the "History and Guide to Barbados," by James H. Stark. Boston, n. d., p. 163.

"The Jews settled here as early as 1628, and although they were occasionally subjected to persecution and oppression, the policy

they exhibited in keeping on good terms with the powers that were, caused their civil rights to be extended in 1680, and their testimony, which had been long rejected in the courts of law, was from that time admitted in all civil suits, upon an oath taken upon the five books of Moses according to the tenets of their religion. At one period the congregation consisted of a very large number, but from deaths and the return of many of the European families to England, the number has been reduced to almost nothing, there being but 21 Jews on the island when the last census was taken in 1882. The circumstances of their having so many as five burial grounds, three of which are completely filled, and a synagogue which is considered to be one of the handsomest and most substantial buildings of its kind in the West Indies, proves that the congregation must have been considerable.

The name of the congregation is 'Kaal Kadosh Nidhe Israel,' or the holy, scattered congregation of Israel. The synagogue was so severely injured by the great hurricane in 1831 that it was deemed necessary to erect a new edifice. The present building was erected in 1833 at a cost of $14,000, which was entirely met by the funds of the community without any outside assistance of any kind."

LEON HÜHNER.

EARLY BUSINESS RELATIONS BETWEEN PRESIDENT WM. H. HARRISON AND HYMAN & SIMON GRATZ.

The letter is on one sheet of paper, folded and addressed on the back fold:

Mess/rs H & S Gratz
Merchants
Philadelphia

Vincennes Indiana Territory
26th Feby 1807

Mess/rs Hyman & Simon Grattz

Gentlemen—Be pleased to send me by George Wallace Mr. the following articles the amount of which shall be forwarded either to yourselves or to my friend Genl. Ino Wilkins as soon as I receive your account viz—one Hundred pounds of Cofee one hundred

Ditto Single refined loaf sugar six pounds best Tea ten Gallons Madeira Wine & fifty pounds of rice—

I am Respectfully your

HumlServt

P. S Willm H Harrison

To make a full barrel it will not be material if the quantity of coffee & sugar is encreased 20 to 25 llbs. each.

Rev. Dr. Louis Grossmann.

JEWS IN SURINAM.

The following extracts are from "A Topographical Description of the Dutch Colony of Surinam. By George Henry Apthorp. In a letter to his father, James Apthorp, Esq., of Braintree," published in *The Collections of the Massachusetts Historical Society,* Series 1, Vol. I, p. 61 *et seq.,* 1792.

"Ascending the river (Surinam) about 71 miles from the sea one meets with a village containing about 40 or 50 houses, inhabited by Jews, which with this town (Paramanbo) are the only ones in the Colony.

"This town (Paramanbo) contains about 10,000 souls, viz.: 2000 white, one-half are Jews, and 8000 slaves. On the plantations, and at the Jews' town are about 1200 whites and 35,000 slaves, making with those in the town 3200 white and 43,000 slaves in the whole Colony.

"In the year 1650 it was taken up by some Englishmen, and in 1662 a charter was granted by Charles 2d. About this time it was considerably augmented by the settlement of a number of Jews who had been driven out of Cayenne and the Brasils, whose descendants (with other Jews) compose at present one half of the white Inhabitants of this colony and are allowed great privilege.

"As for amusements we are badly off; there are however two play houses, one of Jewish and one of Christian, in which the Inhabitants of this town are performers, we have also a concert and now and then a private ball."

Joseph Lebowich.

A SIMILE.

Contributed by HELEN WISE MOLONY, *Cincinnati, Ohio.*

Slowly, slowly up the wall
  Steals the sunshine, steals the shade;
Evening damps begin to fall,
  Evening shadows are displayed.

Round me, o'er me, everywhere
  All the sky is grand with clouds
And athwart the evening air
  Wheel the swallows home in clouds.

Shafts of sunshine from the west
  Paint the dusky windows red:
Darker shadows, deeper rest
  Underneath and overhead.

Darker, darker, and more near,
  In my heart the shadows fall;
Upward steals the life of man,
  As the sunshine from the wall.

From the wall into the sky
  From the roof along the spire
Ah, the souls of saints that die
  Are but sunbeams lifted higher.

—*Henry W. Longfellow.*[1]

[1] This poem is not contained in any of Longfellow's collected works. It appeared in *The American Israelite* in its issue of April 26, 1861, in a department containing two poems, referred to as having been written for that paper. Reference is made to *Publications* No. 10, p. 170, where a note appears, referring to the friendship which existed between the late Rev. Dr. Isaac M. Wise, the editor of *The American Israelite*, and the famous American poet, which will account for the latter's contribution to this Jewish weekly. The incident referred to in that note, concerning Dr. Wise's communication of the legend of Sandalphon to the poet, which the latter thereafter utilized in his poem of that name, rests on the authority of Mrs. Molony, a daughter of Dr. Wise, the initials "H. W. M." being those of her name.—EDITOR.

NOTE ON SUNDAY LAWS.[1]

A recent work dealing somewhat fully, albeit superficially, with the question of Sunday observance in the United States, is Ernst Freund's *The Police Power,* Chicago, 1904, at §§ 184, 185 and 186. I would also call attention to the case of The State *ex rel.* Walker and Merz *v.* Orleans Judge, 39 Louisiana Annual, 132 (1887), where the legality of Sunday laws was maintained on the ground that they were a proper exercise of the police power of the State. The case cites a vast number of authorities. Interesting, too, is State *v.* Williams, 4 Iredell's Law (North Carolina), 400 (1844), in which the laws regulating Sunday as a day of rest were sensibly construed, the day being robbed of all *religious* significance. Commonwealth *v.* Starr, 144 Massachusetts, 359 (1887), holds that under no pretext will an observant Hebrew be allowed to have his shop open on Sunday. He cannot be permitted to do *any* business on that day. As law, this decision is sound; by means of legislation the statute, which works hardship, ought to be changed.

Those jurisdictions which disregard the fact that Sunday laws are nothing more, in reality, than police regulations, exercises of the police power of the State, have declared that these decisions preclude the exemption of Jews or Sabbatarians who observe Saturday as "holy time" from the operation of such statutes. While it is true that California (since 1883), Idaho and Arizona have no Sunday laws, Washington (*The Revised Statutes and Codes,* Seattle, 1896, pp. 1045, 1046) and Georgia, to name no others, have introduced no exceptions in favor of the Jews in their Sabbath observance statutes.[2]

[1] See *American Jewish Historical Society Publications,* No. 11, p. 101.

[2] See, also, Commonwealth *v.* David Starr, 144 Massachusetts, 359; City of Shreveport *v.* L. A. Levy, 26 Louisiana Annual, 671;

Some other jurisdictions (including England) are disposed to take a more liberal view of the subject of Sunday laws, and in certain States Jews and Sabbatarians, who keep the seventh day of the week as "holy time," may work at their regular trades and vocations on Sunday, if their labor does not disturb those who observe the day as one of rest and prayer. These States are Arkansas (*Revised Statutes,* 1884, sec. 1886); Indiana (*Revised Statutes,* Chicago, 1897, sec. 2112); Iowa (*Annotated Code,* Des Moines, 1897, sec. 5040); Maine (*Revised Statutes,* Portland, 1884, sec. 23); Michigan (*The Compiled Laws of the State of Michigan, 1897,* Lansing, 1899, v. ii, sec. 5918); Nebraska (*Compiled Statutes of Nebraska,* 10th edition, Lincoln, 1901, par. 6905); New Jersey (*General Statutes of New Jersey,* Jersey City, 1896, v. ii, secs. 33, 34); New York (*Penal Code,* L. 1881, ch. 676, sec. 264); Rhode Island (*General Laws of the State of Rhode Island,* Providence, 1896, ch. 281, title xxx, sec. 20); Texas (White's *The Penal Code of the State of Texas,* Austin, 1901, art. 197); Virginia (*Code,* edition of 1887, sec. 3800); West Virginia (Warth's *Code of West Virginia,* 4th edition, Charleston, 1900, ch. 149, sec. 17); and Wisconsin (*Wisconsin Statutes of 1898,* Chicago, 1898, v. ii, sec. 4596). In a number of these States, notably New York, the courts in interpreting the statutes have rendered the exemptions of the Jews practically valueless.

State *v.* Ambs, 20 Missouri, 214, 216. But see *The Revised Laws of the Commonwealth of Massachusetts,* Boston, 1902, ch. 98, sec. 4. The decision in Shreveport *v.* Levy is especially unsound and pernicious. It confounds cause with effect in that it holds that an exception in a statute in favor of the Jews would *not* be a recognition of the applicability of the doctrine of religious freedom (United States Constitution, First Amendment), but rather an exclusive Christian delimiting of the principle that the laws must operate with equal force on all persons. A Tennessee statute makes it unlawful to offer for sale or sell on Sunday "any article of traffic whatsoever, within view of any worshipping assembly." *The Code of Tennessee,* Nashville, 1884, p. 356.

Sunday legislation, finally, may be looked upon as a natural result of the religious instinct in man.

ALBERT M. FRIEDENBERG.

EDWARD WOOLF, MUSICIAN AND AUTHOR.

Edward Woolf was a musician, a music teacher, an artist, an earnest worker, a composer, an orchestral leader, a novelist, a humorist. This is the compendium of his long life—a modest, faithful husband and father, who loved his art, his religion.

Born in 1807, in London, England, he had entered upon his seventy-fifth year when he passed from earth. His early manhood found him busy with musical work as conductor of the orchestra of the Pavilion Theatre, where for fourteen years he strove ambitiously to make his band second to none in the metropolis.

His father died in his Pavilion days, leaving a widow and ten children, and he was for years the main support of this large family, a burden of care that in a less brave and conscientious man would have paralyzed his energies. Thorough Englishman as he was, he did not return to his native land, after he left in 1837, in which year he arrived at Mobile, Alabama, where he married a sister-in-law of Israel I. Jones, a well-known resident. He quickly became closely allied with the rise of the American theatre, passing nearly a half century in patient, honest, persevering work. His professional duties took him to several cities; he was successively conductor of orchestras in Mobile, New Orleans, St. Louis and Philadelphia. Finally he settled in New York, coming to that city in 1841, when Chambers Street was uptown and Burton's National Theatre, the site of the present new Hall of Records, was the fashionable place of amusement. For two seasons he was musical conductor at Burton's, and varied the routine of his daily work by writing overtures and dance

music, finally composing a famous extravaganza of the period, "The Naiad Queen," with William E. Burton and Charlotte Cushman in the leading roles. Subsequently he became conductor at Hamblin's old Bowery Theatre, Barnum's Museum, where now stands the St. Paul Building, Ann Street and Broadway, and at the Winter Garden, where later, in 1864, the three Booths—Edwin, Wilkes and Junius—appeared together in their famous revival of "Julius Caesar."

During the Burton engagement, when that unctuous comedian produced for a long run his famous "Aminadab Sleek," Mr. Woolf wrote the "Serious Family Polka," which was popular for years in dancing schools. He composed besides other burlesques in 1843 "Beauty and the Beast," wherein E. L. Davenport played one of his few comic parts, and a funny "William Tell" that won much success.

In 1849, Edward Woolf established the Musical Mutual Protective Association, being its first President. He was one of the founders of the American Dramatic Fund and the Philharmonic Society, both of which became important organizations, and for many years he retained his interest in these movements for the good of art. Among his literary contributions, outside of the theatrical world, was a series of satirical, social and political comments that in 1844 drew attention for many months to the *Sunday Mercury,* and these articles he illustrated with his own pencillings, constituting the first illustrated articles that were published in any weekly. In the year following, he introduced the first comic weekly in this country—*Judy*—long since forgotten, an illustrated publication that had much merit and paved the way for the successful humorous periodicals of the later generation.

For years Mr. Woolf lived with his large family on Crosby Street, adjoining the house of the pastor of the Portuguese Synagogue, Rev. J. J. Lyons, whose dwelling was next to that fine old Synagogue, and while his more intimate associations were with the Wooster Street Synagogue, whose pastor was

his friend from boyhood days, he frequently visited the Crosby Street shrine and there renewed his love for Jewish music that he imbibed in his youth when he lived near the olden Synagogue in Duke's Place, London. The traditions of his early days he later embodied in a serial that was published in 1861, in the *Jewish Messenger,* called "The Unbeliever," whose incidents were found interesting reading by those of English birth, reminding them of the glories as well as of the superstitions that were connected with that famous old shrine and its once renowned *Baal Schem.* To the same publication, in its early volumes, he was a frequent and always welcome contributor. Two of his more pretentious novels, "The Jewess of Toledo" and "Judith of Bohemia," were attractive in plot and dialogue, thoroughly modern in tone, dignified in their love of historic Judaism. It is a pity that they were never republished in form for general reading and preservation where they would be representative of Jewish fiction, and certainly as admirable as the polyglot concoctions of the Jewish novelist of the present time.

His last phase of public work was in the direction of Synagogue music, and as choir leader of the Congregation Shaaray Tefila he had a good opportunity of reviving the old melodies that he enjoyed in his London days, and of composing a musical service that for years satisfied his congregation. He was an admirer of Mombach and Sulzer, and his compositions were after the same method, preserving traditional rhythm and melody and never descending to operatic idiosyncrasies. He had passed his seventieth year when he withdrew from choir work, and, in the privacy of his domestic circle, he enjoyed his well-earned rest.

In the family plot at Beth Olom Cemetery at Cypress Hills he was buried in 1882. Three of his sons have since died—Benjamin Edward, a prominent author, composer and critic of Boston, whose "Doctor of Alcantara" and "Mighty Dollar" were rich contributions to theatrical literature; Michael

A., whose facile pen for years endeared him to children of all classes; and Philip, physician and critic. In addition to these, he had three daughters and three sons, including Professor Solomon Woolf, who filled the chair of drawing for nearly thirty years in the College of the City of New York; Albert Edward, merchant and inventor, the father of the third generation of a talented family; Samuel, a rising young painter, and Allan, an actor of remarkable ability.

I. S. Isaacs.

NECROLOGY.

Hon. Andrew H. Green.

In formally announcing to the Society the death of the Hon. Andrew H. Green, one of its most distinguished members, it brings to mind the fact that the American Jewish Historical Society has been fortunate in enlisting the sympathies of those not of the Jewish faith, some of whom, like the late Chief Justice Charles P. Daly, of revered memory, have performed services in the direction of recording American Jewish history that will remain forever as monuments to them.

Mr. Green's interest in Israelites was inherited from his ancestors, who, during the Revolution, in their home in the Berkshire Hills, formed friendships with those Hebrew patriots who had fled before the enemies of their country from Newport, Rhode Island, and other places, wanderers in the cause of American Independence. Mr. Green used to delight to tell the story how one of these, Aaron Lopez, one of the foremost merchants of Newport, had planted a tree during those stirring times upon the farm of his fathers and which had descended to him. He would frequently mention the fact that this "Lopez tree," as he called it, was still vigorous, and as it blossomed each year seemed to remind the succeeding generations of his family of the close friendships of his ancestors with the band of Jewish patriots. His personal interest in Jewish affairs never ceased, and he was always ready to engage in any undertaking for the improvement and elevation of the Jewish people, patronizing their assemblies and generously contributing his time and energies for their welfare. For over half a century the Spanish and Portuguese Congregation Shearith Israel, now at Central Park West and Seventieth Street, New York City, the parent Jewish Congregation of this country, never deemed any public function

complete without his presence, and was always proud to accord him the most conspicuous place on such occasions. He saw three Synagogues of the Congregation, was a frequent visitor at the one in Crosby Street, was an honored guest at the consecration of that at Nineteenth Street and Fifth Avenue, in 1860, and again at Central Park West, in 1897. On the occasion of the consecration of the Nineteenth Street Synagogue he was formally presented with the taper which lighted the Eternal Lamp, and its possession he retained until his death. His interest in the work of the American Jewish Historical Society was very deep, frequently attending its meetings, and addressing them, as well as contributing to its funds.

To the residents of the City of New York who knew Mr. Green's great services to their community, the briefest minute would suffice to remind them of the obligations which they owe to him. As was said of Sir Christopher Wren when it was remarked that he had no monument at London, "Would you see his monument? Look about you." So it was with Mr. Green. Scarcely a public work in the city of New York for half a century that was not due to his initiative, wisdom or energy. His handiwork is to-day visible on all sides.

Born at Green Hill, near Worcester, Massachusetts, October 6, 1820, he came to New York City a mere boy, and devoted his life to its improvement and to the comfort, health and advancement of its inhabitants. The Central Park, the Museum of Natural History, the Metropolitan Museum of Art, the Washington Bridge, and above all, the consolidation of those communities which now constitute Greater New York, of which he will forever be affectionately known as "the father," making that city the second in the world, are a few of the numerous products of his tireless energy. The beauty spots of the city, such as Fort Washington Park, Riverside Park, Morningside Park, the Annexed District Parks, and the new Zoological Park, are eloquent of his refinement of taste and æsthetic talents, which were united with a practical

application of public affairs and indomitable courage and determination in prosecuting them.

As Deputy Comptroller and Comptroller of the city of New York, he was the main instrument which rescued the city, in 1871, from the political corruption and dishonor which had all but ruined it. For half a dozen years, as Comptroller, he labored assiduously to bring order out of chaos, to rehabilitate the city's disorganized fiscal system, to re-establish its credit and refill its treasury, laid bare by the depletion of an organized band of plunderers. He retired from office on the completion of the task which he had set for himself with every one of these objects fully accomplished, and started the Department of Finance of New York, now second only in size and power to the United States Treasury, upon a career of efficiency which it has since successfully maintained. The charms of public office had no attraction for him, save as they were the instruments to improve and uplift his beloved city. He repeatedly put away from him the Mayoralty and other high offices, believing that his sphere of usefulness would be larger if relieved from political obligations.

When, in 1898, the City of New York officially presented him with a bronze medal to commemorate the creation of the Greater New York, to which he had devoted twenty years of his active life, it was the crowning of a career which will remain an inspiraton for future generations of that city.

Amid all his efforts in behalf of the municipality in which he lived, he still found time for broader fields in which to display his wonderful capacity for improving the conditions of his fellowmen. The creation of the Niagara Falls Reservation, whereby one of the most magnificent expressions of nature in existence has been secured to the public for all time, and its threatened destruction stayed, was due entirely to him, and for nearly a quarter of a century he was president of the commission created by the Legislature of New York, acting with the Canadian Government, to guard forever this superb natural wonder, by the creation of a State park around it. In

the same spirit he secured joint action by the States of New York and New Jersey to prevent the destruction of the Palisades of the Hudson, then fast going to destruction through the avarice of private owners, and another of America's most delightful natural advantages was thus saved, and the whole nation spared the disgrace of their obliteration.

Mr. Green's most distinguished characteristic was his belief in the Fatherhood of God and the brotherhood of man, and there was no people so strange or clime so distant that did not awaken in him a responsive chord.

I knew him intimately from childhood and frequently resorted to him in order to avail of his wise counsel and prudent discretion, which I always found invaluable, and the last time upon which I had occasion to consult with him, but a few days before his death, which occurred November 13, 1903, in discussing the project of a government ship canal which would connect Chicago with Europe, the plans being spread before him, and a bill to effect which he was about having introduced in Congress, an incident occurred showing how broad was his feeling and how deeply he felt his duty towards human beings of every race and creed. He said: "It has been urged against this plan that foreign nations, having such ready access to our commercial centers, will profit as well as we from the result of the establishment of this canal. But," said he, with great vigor, arising and drawing himself up to his full height, "how can we ignore the interests of the people of England, Germany, France, or the rest of Europe? If not related to us by ties of country, are we not bound to share with them as members of the great family of mankind?"

N. Taylor Phillips.

Horace A. Nathans.

Horace A. Nathans was born in Philadelphia, October 10, 1839, and died in that city on June 18, 1903. He received his education at the Episcopal Academy and was matriculated

at the University of Pennsylvania. He was an amateur musician of some ability and was vice-president of the Abt Male Singing Society, composed of some of the most prominent citizens of Philadelphia. He was closely identified with the Congregation Mickvé Israel, representing the sixth generation in the Synagogue. His grandmother, Judith Russell Nathans (the wife of Isaiah Nathans), was the daughter of Phillip Moses Russell. Mr. Nathans was a member of the Georgia Chapter of the Sons of the Revolution. He was also a member of the Shekinah Lodge of Masons, and of Keystone Royal Arch Chapter. He was a member of the Board Adjunta of the Congregation Mickvé Israel, serving that Congregation both as vice-president and president. He was one of the trustees of the Gratz College from the time of its organization, and secretary of the Philadelphia Branch of the Alliance Israelite Universelle. He was zealous in the performance of all his public duties and was of generous disposition, being especially kind in assisting persons who desired to obtain a higher education. DAVID SULZBERGER.

MARCUS JASTROW.

In Marcus Jastrow the Jews of America lost a scholar who not only wrote historical works, but himself made Jewish history on two continents. Revolutionist in Warsaw and controversialist in Philadelphia, there was still that in him which prompted a quarter of a century's devotion to lexicographical research. His powers and varied achievements present one of the rare instances in which critical scholarship and the practical wisdom of the religious leader and preacher neither stifled nor paralyzed the impulses of the ideal Jewish gentleman, symmetrically and liberally educated, to espouse and insensibly or consciously mould the concerns of his generation and his people. Bare enumeration of the main points in his career conveys a notion of its beneficence and completeness.

Marcus Jastrow was born June 5, 1829, at Rogasen, in the province of Posen, Prussia. His elementary and secondary education he received in Rogasen and in the city of Posen, and for his university training he went to Berlin. At the Prussian capital he came under the influence of the philosopher Trendelenburge and of Michael Sachs, the genial rabbi. The degree of Ph. D. was conferred upon him by the University of Halle in 1855. After filling the post of teacher at the religious school in Berlin, he went, in 1858, to Warsaw as preacher of the German congregation. There, on the one side, he aided and abetted the Chief Rabbi Bär Meisels in his *Culturkampf* within the Jewish community, and, on the other side, he identified himself with the patriotic Polish party. The literary fruits of this period are a history of the Polish Jews, a history of the Polish revolution, and a volume of sermons in Polish.

Imprisonment in the citadel of Warsaw, exile, preaching at Mannheim, return to Warsaw, renewed exile, and rabbinical functions at Worms, cover the years from 1862 to 1866, to whose account must be set also the production of his chief historical work, *Vier Jahrhunderte aus der Geschichte der Juden.* In 1866, at the call of the Congregation Rodeph Shalom, he came to Philadelphia. The thirty-seven years of his life in America divide themselves into three periods: 1866 to 1876, the period of polemics, rabbinical activity, and liturgical reforms; 1876 to 1892, the period in which, in addition to his rabbinical duties, he began, in spite of sickness and suffering, his *Dictionary of the Targumin, the Talmud Babli and Yerushalmi and the Midrashic Literature;* and 1892 to 1903, to the very moment almost of his death, on October 13, the period of purely scholarly activity, in which his Dictionary was finished and his extensive editorial work upon the Bible to be issued by the Jewish Publication Society of America was done. Let us add lectures, popular articles, learned essays, participation in the plans of every Jewish society of national

scope, not to mention identification with the communal affairs of his own city; let us add, finally, the infinitude of occasions, private, semi-private, and public, on which his presence was a determining factor, and through which Marcus Jastrow's personality has entered into the web and woof of American Jewish history, and we have the record of a life rich in thought, achievement and influence.

Henrietta Szold.

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I. The name of this Society shall be the "American Jewish Historical Society."

Objects.

II. The objects shall be the collection, preservation and publication of material having reference to the settlement and history of the Jews on the American Continent.

Members.

III. Any person approved by the Executive Council may become a member by paying five dollars; and after the first year may continue a member by paying an annual fee of five dollars.

On payment of one hundred dollars, any person may become a life member exempt from fees.

Persons may be elected as honorary members and be exempt from the payment of fees; but no honorary member shall be elected except by the unanimous vote of the Executive Council.

Persons approved by the Council may be elected as corresponding members, and be exempt from the payment of fees.

Any member who shall have neglected or omitted to pay his annual dues for three successive years shall, on notice to him from the Treasurer of that fact and of this provision, *ipso facto* cease to be a member of this Society unless within one month after said notice he pays all of his dues in arrears or shall be excused therefrom by the Executive Council of the Society, which is hereby authorized on proper grounds to remit said dues.

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IV. The officers shall be a President, four Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Curator, and an Executive Council, consisting of the foregoing officers and of nine other members elected by the Society, with the ex-presidents of the Society. These officers shall be elected by ballot at each regular annual meeting of the Society.

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V. The Executive Council shall have charge of the general interests of the Society, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

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